



DE LAICIS
OR
THE TREATISE ON CIVIL
GOVERNMENT

Politi. Sci.

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CIVIL GOVERNMENT

By

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NOTE

This is not intended as anything more than an initial presentation of Bellarmine's text in translation for class purposes. We hope soon to edit the same in conjunction with a full treatment of Bellarmine's position in the historical development of political philosophy.

INTRODUCTION

In the Divine economy of things, for every evil which arises to menace the Church there springs up a counteragent of sufficient force to maintain proper balance and harmony. The sixteenth century which saw the birth and rapid spread of the Protestant Revolt saw also the rise of a multitude of defenders of Catholic truth, one of the most illustrious of whom was Robert Bellarmine. Born at Montepulciano in Tuscany, in 1542, his childhood was passed amid surroundings of great natural beauty. Frail in body, but of unusual intellectual ability, he owed the foundation of his remarkable achievements in later life to the wise counsel and inspiring example of his saintly mother. At the age of eighteen he entered the Society of Jesus, where his remarkable talent for theology soon became apparent. He was especially gifted as a controversialist, and for this reason was sent to Louvain in order to make a more detailed study of the particular heresies then in vogue. In 1576 he was given the Chair of Controversies in the Roman College, and it was during his professorship in Rome that he wrote his best-known work, the *De Controversiis*. Prior to this, no attempt had been made at systematic refutation of heresy, and lack of organization in marshalling the Catholic arguments had led to a corresponding lack of really effective controversy. Bellarmine's method was so effective that chairs were founded in colleges in both England and Germany for the special purpose of refuting his theses.

The major part of the *De Controversiis* deals with theological questions on the Church, the mysteries of faith, and the Sacraments, but there is one very short but historically, as well as theoretically, important section, the *De Laicis sive Sæcularibus*, which treats of the natural basis and juridical origin of the State, the source of political authority, the rights and duties of rulers and of subjects, and the relations between the secular power and the ecclesiastical. In this part of his work, Bellarmine introduces no new theory of his own, but gives an exposition of the traditional Catholic teaching, basing his arguments on the authority of the Fathers, especially St.

Augustine, and on St. Thomas. There are, he says, two powers, civil and religious, independent of each other, and each in its own sphere deriving from God its right to rule. The Pope's authority comes from God immediately, by reason of Our Lord's Divine institution, that of the temporal ruler derives from God through the medium of the consent of the people by reason of God's original institution in creating human nature. In this sense legitimate temporal power does not derive from the consent of the people in the manner in which James I of England strove to interpret Bellarmine's doctrine (See *State and Church*, by Ryan and Millar, p. 115). In his attempt to identify Bellarmine's doctrine with that of the Puritans, he was merely confusing the Roman law doctrine of the *lex regia* with that of the Scholastics and of St. Augustine. (For the proper distinction, see *The Origin of Sound Democratic Principles in Catholic Tradition*, by M. F. X. Millar, S.J., in *Thought*, March, 1928, also in *The Catholic Historical Review*, April, 1928.) As a matter of fact, the primary purpose of the *De Laicis*, as will be seen by the reader, is to establish the legitimacy of civil government as against the antinomian and anti-social tenets of Wyclif, Huss, Luther, and Calvin. The crux of the whole matter is in reconciling the correct idea of the equality of men with the necessity and legitimacy of civil authority. Taking his stand on the doctrine of St. Augustine that "since all men are created equal, the right for a man to command men cannot come except from outside humanity" (see *The Origin of Sound Democratic Principles*), Bellarmine maintained in accordance with the medieval tradition that this authority could only derive in the concrete through the medium of the people, whose it is to determine as to the form of government or who the incumbent in authority shall be and hence their consent is a necessary condition to the legitimacy of all secular power. This, as should be clear, is in direct antithesis to the Protestant tradition as exemplified in Rousseau, which again is none other than that of the *lex regia*. Summing up in his *Social Contract* the Roman law tradition modified by the political notions of Luther, Calvin, and other Reformers, Rousseau places the ultimate source of authority in the people themselves. In this he makes the *will* of the "people" logically the source of all justice and the final court of appeal in all matters of right and wrong,

a theory which, with all due respect to those who insist on claiming the Protestant origin for American liberty, would, in practice, be destructive of our whole Constitutional system.

The fact that in respect to the problems of liberty and government there have been two very distinct traditions each contradictory of the other has been most egregiously overlooked by non-Catholic scholars, who have confined themselves almost entirely to a purely nominalistic treatment of such subjects. This is more or less the point made in the chapter on "Scholasticism and American Political Philosophy" in *Present Day Thinkers and the New Scholasticism*, by J. S. Zybura. Further material will be found in the Introduction by Fr. Millar to Fr. Laures' excellent work on *The Political Economy of Juan de Mariana*, and also in *Unpopular Essays on the Philosophy of History*, by M. F. X. Millar, S.J.

Bellarmino's one original contribution to political theory is not to be found in the *De Laicis*. This is his suggestion of the doctrine of divided sovereignty, which he expounds in his *De Summo Pontifice*. (See *The State and the Church*, p. 120 et seq. and also Zybura, pp. 329 and 335.) Fr. James Brodrick, in his *Life and Works of Blessed Robert Francis, Cardinal Bellarmine*, V. I, p. 237, takes exception to the contention made in *The State and the Church* that this may have formed a precedent for the actual division of sovereignty which obtains under our Constitution between State and Federal government. Beginning with the rather characteristically English statement that "whether the doctrine referred to is a doctrine of divided sovereignty, and what precisely divided sovereignty means, are questions with which we need not concern ourselves here," he dismisses the matter with the easy assertion that "it may well be doubted whether any jurist or historian would allow that the Constitution of the United States is a fairly exact model of the Constitution of the Catholic Church." Perhaps had he gone a little more thoroughly into the history of the theory of sovereignty and taken a somewhat less supercilious view of our American Constitution, and of the English and American common law tradition, he might have found less difficulty in admitting at least a possibility in the contention. Further evidence as to the validity of the assumption made in *The State and the Church* will be found in the pages referred to in

Zybura above. As this work appeared previous to the publication of Fr. Brodrick's *Life of Bellarmine*, but too late for it to reach his notice, it may be found to answer his chief objection.

It should be noted that chapter XVI and those following chapter XVIII have been omitted, for the reason that their contents have ceased to be of much practical bearing on the problem which it is hoped will be elucidated by means of this translation. The gist of this last part may be gathered from the concluding paragraph to the first chapter. Much that Bellarmine has to say on the topics there stated would, because of more recent developments in State organization logically in line with his own fundamental ideas, require altogether too much qualification. In some instances his view may now be considered altogether obsolete by reason of the vast changes that have taken place in the *established* order since his time, changes which have brought to light new aspects of the problems with which he was dealing and have thrown new light on the nature and character of the State. But this, as the reader will be able to judge for himself, in no way detracts from the abiding value of the "little booklet," as he called it, nor does it lessen its historical importance as one of the main links in the chain of that sound tradition which connects Plato and Aristotle, St. Augustine and St. Thomas with our own Constitution.

In conclusion we would point out that the most significant and historically important chapters in the book are chapters V and VI, where Bellarmine deals with both the *natural* and the *conventional* elements in the State. It is by maintaining, as he does, the two in conjunction that he proves true to the sound Scholastic tradition, and forms, together with Suarez, the link between St. Thomas and Burke. As there are those who persist in assuming that the latter did not admit the doctrine of natural rights nor allow of anything beyond mere English expediency, we will end with the following quotation from his *Tracts on the Popery Laws*, "Everybody," says he, "is satisfied that conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society; and that therefore all forms whatsoever of government are only good as they are subservient to that purpose, to which they are entirely subordinate."

M. F. X. M.

ON THE LAITY OR SECULARS

CHAPTER I.

SUMMARY OF THE WHOLE QUESTION AT ISSUE

We have examined two branches of the Church—that is, the clergy and monks; it remains for us to discuss the third—that is, the laity or seculars,¹ and likewise to discuss those branches severed from the Church, that is, heretics. The whole may be reduced to a discussion of political magistracy.

This entire discussion falls under six heads. Firstly, we must discuss the nature itself of political power; secondly, its scope in affairs of state; thirdly, its scope in the matter of religion.

On the first point two questions arise: first, whether this power is good by nature; secondly, whether it is lost through sin.²

On the second point two questions arise: First, in regard to the duty of the magistracy to preserve the State from the wickedness of citizens by means of laws and punishments, civil as well as criminal, there is the question whether it is lawful for Christians to make laws, to administer justice, and to put guilty men to death, acts which properly pertain to the magistracy. Secondly, in regard to the duty of the magistracy to protect the State from external enemies, there is the question whether it is lawful for Christians to carry on war; and to this, because of Luther, we should add a corollary, viz., whether it is lawful to make war against the Turks.

On the third point two other questions arise. First, whether the care of religion pertains to the magistracy, or whether, indeed, the state can permit each man to believe as he pleases. Secondly, whether the magistracy ought to punish those judged and condemned by the Church as heretics, in their persons and freedom as well as in their writings, even to the extent of inflicting the death penalty.

1—Society, it should be remembered, was divided legally in the Middle Ages into estates of distinct orders within the Church. Heretics were considered as included within the Christian order though separated from the Church.

2—Heretical notions concerning Christianity and Christian doctrine led inevitably to false notions concerning society and secular authority. At this period heresy takes the position that Christ's teaching excludes the natural.

CHAPTER II.

WHETHER JUDICIAL POWER IS GOOD BY NATURE, AND LAWFUL FOR CHRISTIANS

One of the chief heretical tenets of the Anabaptists and of the Trinitarians of the present day is, that it is not lawful for Christians to exercise magisterial power, nor should body-guards, tribunals, judgments, the right of capital punishment, etc., be maintained among Christians. Ministers in Transylvania who denied the doctrines of the Trinity, the Incarnation, and the baptism of infants, proclaimed in 1568 at Alba Julia the differences between the true Christ and the false Christ, the seventh of which states that the false Christ has in his church kings, princes, magistrates, and military force, and that the true Christ can suffer no such things in His Church.

The arguments of these heretics are, or certainly can be, set forth as follows: First, those from the Scriptures, "The kings of the earth, of whom do they receive tribute or custom? Of their own children or of strangers? And he said, 'Of strangers.' Jesus said to him: 'Then the children are free.'" ¹ And "The kings of the Gentiles lord it over them; it will not be so among you." ² "Owe no man anything, but to love one another." ³ "You are bought with a price; be not made the bondslaves of men." ⁴ "One Lord." ⁵ "One Lord, one Faith, one baptism, one God." ⁶

Secondly, those drawn from examples: For many of the princes abused their power and not only did not benefit, but even harmed, the State, as is evidenced at the very creation of the world, in the case of Cain,⁷ and in the case of the sons of the Princes,⁸ who, taking to themselves alien wives, were corrupted by all sorts of evil-doing, and afterward the flood came because of them. The same abuse of power is shown in the case of Nimrod, of Pharaoh, of Nabuchodonosor, and of Saul, of Roboam, of Jeroboam, and of others; for after the division of the kingdom not one of the kings of Israel was a just man.

1—Matt. XVII., 24, 25.

2—Luke XXII., 25, 26.

3—Rom. XIII., 8.

4—1 Cor. VII., 23.

5—1 Cor. VIII., 6.

6—Ephes. IV., 5, 6.

7—Gen. IV.

8—Gen. VI.

Thirdly, from considerations of the end; for magisterial power was permitted in the case of the Jews because of the imperfection of the times, for the Jews were children, and therefore had to be ruled by someone, as is clear from St. Paul,¹ but we are perfect men and by the infusion of sanctifying grace at baptism we are taught all things.

Fourthly, from the point of view of efficiency; for this power is not given by God, but tyrannically usurped by men. For who made Nimrod king? Who, Nabuchodonosor? Who, Ninus? Who, Alexander? Who, Julius Cæsar? Who, others? Hence that pirate is praised who replied to Alexander, "I, since I go about in a small boat, am called a pirate. You, since you despoil the whole earth with a mighty fleet, are called an emperor."²

Fifthly, drawn from considerations of its source; for God created men free, and bondage was introduced by sin; therefore, since we are freed from sin by Christ, we should also be freed from bondage. The foregoing is clear, for in Gen. I. it is not written, "You shall rule over men," but: "You shall rule over the fishes of the sea, etc." Moreover, woman is not now subject to man, except by political subjection, nevertheless, this subjection was brought about by sin, as is evident from Gen. III., "Thou shalt be under the power of thy husband." In addition, the first man to found a city and start a political kingdom before the Flood was Cain, as Augustine shows from Gen. IV.,³ the first to do this after the Flood was Nimrod.

Lastly, the Fathers clearly teach this: "God, having made man a rational being in His own Image, was unwilling that he should dominate except over irrational beings, not man over man, but man over beasts; hence those who in the beginning were just were placed over flocks rather than made kings of men, so that God might make clear this also, namely, what the natural order of creatures would require on the one hand, and what the deserts of sinners would demand on the other."⁴

"All men are born equal by nature, but of a varying degree of merit. Some, by a secret dispensation, God esteems less than others;

1—Gal. IV.

2—Augustine, *City of God*, Bk. IV., ch. 4, from Cicero, *Republic*, Bk. III.

3—Augustine, *City of God*, Bk. IV., ch. 1.

4—Ibid., Bk. XIX., ch. 15.

and this very diversity which is brought about by sin is rightly ordained by the Divine Wisdom, so that, since all men do not journey through life equally, one should be ruled by another,"¹ and he makes similar statements in his pastoral letters.²

Not only all Catholics, and especially Blessed Thomas,³ and all the Philosophers, abominate this heresy, but even Philip Melanchthon, in divers places in the chapter concerning the secular power, and John Calvin,⁴ most bitterly and forcefully oppose it, and even Luther himself in his *Visitation of Saxony*, although the Anabaptists took advantage of his own words in his *Babylonian Captivity*.⁵

We refute this heresy by means of five arguments, for that is the number of our adversaries' fundamental principles. Firstly, from the Scriptures. Secondly, from the examples of the saints. Thirdly, from purpose or necessity. Fourthly, from considerations of the efficient cause. Fifthly, from considerations of the source of secular power.

CHAPTER III.

POLITICAL MAGISTRACY IS PROVED FROM THE SCRIPTURES

As to the first point, the Sacred Books of the Old Testament are replete with proofs. In Exod. XXII. the judges of the people are called gods by God Himself, as indeed we find in Ps. 81, "God hath stood in the congregation of gods: and being in the midst of them He judgeth gods." The reason for this designation Josaphat explains when he states that the judges exercise the authority of God, not of men; that is, they judge in place of God.⁶ And in like manner Moses admonishes the judges of the people to judge justly,⁷ since judgment is of God; and Christ says, "If he called them gods,

1—Gregory, *Moral.*, Bk. XXI., ch. 2.

2—Part II., ch. 6.

3—Opusc. 20.

4—*Institutes*, Bk. IV., ch. 20.

5—Ch. on baptism.

6—2 Paralip. XIV.

7—Deuter. I.

to whom the word of God was spoken . . . whom the Father hath sanctified and sent into the world, etc." ¹ Here Christ means, "If God calls the princes gods, since to them the Divine command is given to judge in His place, why not the more so, etc.," for it is not correct to say, as some do, that all those to whom God has spoken were called gods; if, therefore, the princes are called gods since they take His place, the authority of princes cannot be questioned unless the authority of God is likewise questioned.²

Moreover, Moses lays down the laws for the future King,³ and in the Book of Judges, last chapter, last verse, the Holy Spirit, wishing to assign the cause of all the evils which happened at that time, says: "In those days there was no king in Israel, but every one did that which seemed right to himself." In the same Book of Judges and here and there in the Book of Kings, we find God arousing the judges of Israel, or the princes, through whom He might liberate the people. "Through Me kings rule."⁴

The Anabaptists reply that rulers were allowed to the Jews on account of their imperfection, but under the New Testament the dispensation is different.

But the contrary is true, for in the beginning the Prophets predicted that all the kings of the earth would serve Christ and the Church, which could not come to pass unless there were kings in the Church. "And now, O ye kings, understand; receive instruction, you that judge the earth; embrace discipline,"⁵ according to the Hebrew נִשְׁכָּח בִּי Naschekubar, embrace ye the Son, whom in the same Psalm the Scriptures call the Messias. Likewise, "All the kings of the earth shall adore Him, all the nations shall serve Him."⁶

¹—John X., 35, 36.

²—From the earliest writings of the Fathers, down to the time of the revival of the pagan civil law concept of sovereignty a clear distinction was always drawn between the authority of the ruler and the exercise of that authority. Cf. *The State and Church*, By Ryan and Millar, p. 104.

See also St. Irenæus, *Against Heresies*, ch. 24, and Peter Abelard, *Opera* (Cousin edition), Vol. II., p. 321, where the following statement occurs in his *Commentary on the Epistle to the Romans*: "When from violence he (the ruler) does what does not pertain to his power and the terms by which he holds it, we really oppose ourselves to tyranny rather than to power, to man rather than to God, when in this we resist him; since he presumes to act thus on his own authority and not on that which he has received from God."

³—Deuter. XVII.

⁴—Proverbs VIII.

⁵—Ps. 2.

⁶—Ps. 71.

"The nations shall walk in Thy light and kings in the splendor of Thy rising." ¹ And, "Kings shall be Thy nursing fathers and queens Thy nurses: they shall worship Thee with their faces towards the earth and they shall lick up the dust of Thy feet." ² We have certainly seen this fulfilled in the cases of Constantine, Theodosius, Charlemagne, and others, who venerated the tombs of the Apostles and Martyrs, and endowed and protected churches.

Moreover, Christ, preaching the gospel of the kingdom, said, among other things: "Render to Cæsar the things which are Cæsar's." ³ St. Paul commands that, "Every soul be subject to higher powers: for there is no power but from God, etc." ⁴ And in the same place he repeats three times that the secular princes, to whom tribute is paid, are the ministers of God. Indeed, Irenæus makes use of this very passage. ⁵ Likewise, the Apostle expressly orders the people to pray for kings. ⁶ Tertullian makes use of this passage in his *Apologetics*, ⁷ because the pagans falsely accused the Christians of being unwilling to obey the magistrates; but, certainly, if the Gospel did not allow secular power, it would be necessary to pray for the destruction of kings and princes. But we read, "Admonish them to be subject to princes and powers," ⁸ and "Fear God, honor the king." ⁹

But they answer that from these evidences is proved that we ought to obey the pagan king, but not that it is lawful for Christians to hold sway over kingdoms, and to wield the power of magistracy. To which we answer, first, that it is not surprising that in the New Testament but little mention is made of magistrates, for Christ did not come to establish a temporal kingdom, but a spiritual and heavenly kingdom; and in like manner the Apostles were occupied with proclaiming and spreading the spiritual kingdom, and left the political kingdom as it was before.

1—Isaias LX.

2—Ibid. XLIX.

3—Matt. XXII., 21.

4—Rom. XIII., 1.

5—Bk. IV., ch. 70.

6—1 Tim. II., 2.

7—Ch. 31. As the reformers set up the claim that they were re-establishing primitive Christianity, these references to Irenæus and Tertullian are particularly apposite.

8—Titus III., 1.

9—Peter, II., 17.

Besides this we add: Granted that the Sacred Writings of the New Testament do not expressly approve political magistracy in the Church,¹ nevertheless it is evidently to be gathered from the proofs offered above; for if it is lawful for Christians to be subject to a pagan king, why not rather to a Christian king? And if it is lawful for Christians to be subject, why is it not lawful for them to rule, since to be subject seems to be more opposed to Evangelical liberty than to rule?

Finally, if subjection or civil rule is opposed to Christian liberty,² Ecclesiastical subjection or rule is more opposed to it, since Christian liberty pertains more to a Christian as a member of the Church than as a member of civil society. But Ecclesiastical rule or subjection is not opposed to Christian liberty, as is evident from the texts, "Who, thinkest thou, is a faithful and wise servant, whom his lord hath appointed over his family?"³ and "he that ruleth, with carefulness,"⁴ and "Obey your prelates."⁵ Therefore, political gov-

1—This inclusion of the temporal power in the Church was commonly accepted by both Catholics and Protestants at the time, as is clear from the words of Duplessis-Mornay in his *Defence of Liberty against Tyrants*, translated by Harold G. Laski, p. 75. "Although the form both of the Church and of the Jewish kingdom be changed, for that which was before enclosed within the narrow bounds of Judea is now dilated throughout the whole world; notwithstanding the same things may be said of Christian kings, the Gospel having succeeded the law and Christian princes being in the place of those of Jewry. There is the same covenant, the same conditions, the same punishments, and if they fail in the accomplishing, the same God Almighty, revenger of all perfidious disloyalty; and as the former were bound to keep the law, so the other are obliged to adhere to the doctrine of the Gospel, for the advancement whereof these kings at their anointing and receiving do promise to employ the utmost of their means."

Richard Hooker inverts the relations. "We say that the care of religion being common to all societies politic, such societies as do embrace the true religion have the name of church given unto every one of them for distinction from the rest so that every body politic hath some religion, but the Church that religion which is only true. Truth of religion is the proper difference whereby a church is distinguished from other politic societies of men; we here mean true religion in gross and not in every particular." *Ecclesiastical Polity*, Vol. II., Book VIII., p. 385 (Oxford, 1839).

2—Milton at a later date summed up the Protestant conception of Christian liberty thus: "The whole freedom of man consists either in spiritual or civil liberty. As for spiritual, who can be at rest, who can enjoy anything at all in this world without contentment, who hath not liberty to serve God and to have his own soul according to the best light which God hath planted in him to that purpose by the reading of His revealed Will and the guidance of His Holy Spirit? That this is best pleasing to God and that the whole Protestant church allows no supreme judge or rule in matters of religion but the Scriptures and these to be interpreted by the Scriptures themselves, which necessarily infers liberty of conscience, I have heretofore proved at large in another treatise; and might yet further by the public declarations, confessions and admonitions of whole churches and states, obvious in all history since the Reformation."—*The Ready and Easy Way to Establish a Free Commonwealth*.

3—Matt. XXIV., 45.

4—Rom. XII., 8.

5—Hebr. XIII., 17.

ernment or subjection is not opposed to Christian liberty. And this solves the first objection.

In answer to the first Scriptural objection, therefore, we ought to say that in the passage adduced Christ spoke only of Himself, and most properly proved that, since He was the Son of God, the supreme King, He was not obliged to pay tribute to any prince; but in another place He ordered that the tribute money be paid to Cæsar,¹ and St. Paul says,² "Tribute to whom tribute is due." For although Christ, speaking of Himself, very properly said, "Then the children are free," we may rightly deduce from this that ecclesiastics should be free from the necessity of paying tribute, since the son of the king is free in such wise that because of him his household is equally free, as we explained previously in the book on the clergy.³

In explanation of the second objection: Christ instituted the ecclesiastical magistracy and distinguished it from political magistracy as well as from the corrupt political magistracy, with which pomp, pride, and haughtiness are usually allied. If, indeed, we are to understand that this latter is forbidden to Christians, we speak wisely, for there the kingdom as an institution is not censured, but the manner of ruling.

In explanation of the third objection: St. Paul does not mean that you are not permitted to be bound by any law, but that you should quickly pay all debts; for he had previously said,⁴ "Render to all men their dues. Tribute to whom tribute is due, etc." And since the debt of love can never be thus paid, but we are always bound to love, he says, therefore, "Owe no man anything, but to love one another."⁵

In explanation of the fourth objection, I say that to become the slave of man, in that place signifies to serve man merely for the sake of man; for besides, in another place in the same Epistle, St. Paul exhorts the slaves, even if they could become free, rather to choose servitude, and he says, "Serve one another."⁶

1—Matt. XXII., 21.

2—Rom. XXII., 7.

3—Ch. 125.

4—Rom. XIII., 7.

5—Ibid., 8.

6—Gal. V., 13.

In explanation of the last objection, I say that there the word "Lord" is to be taken in the proper sense, in which it applies to God only, and for this reason kings and princes are not forbidden, since they are not rightfully lords, but servants of God, Who alone is true Lord, for there is no higher title; for the true Lord has two attributes which are proper to no creature. One is, that He can use as He pleases¹ that creature whose Lord He is, and He can increase, diminish, change, annihilate it, etc. The other attribute is that He is subservient to no one, that is, that He stands in need of nothing, but suffices to Himself for all things, as Augustine correctly states, and quotes,² "I said to the Lord, Thou art my God, for Thou hast no need of my goods." For in the Hebrew it is, "I said to the Lord, my Lord, אֲדֹנָי." And hence this is the meaning which translators of the Septuagint give everywhere; the name proper to God יהוה, they translate by κύριος, and St. Jerome by Lord. Hence even Augustus, as Tertullian mentions,³ never allowed himself to be called lord, because he knew that this title is fitting for God alone, and, on the other hand, Domitian is criticized by Suetonius for his unbelievable arrogance, because he willingly listened in the Amphitheatre to the salutation: "Good fortune to our lord and lady," and because he ordered to be written of himself, "Thus hath our Lord and God ordered it to be done."

CHAPTER IV.

THE SAME IS BORNE WITNESS TO BY THE EXAMPLES OF THE SAINTS

The second argument is derived from examples; for if authority were evil, never would good men have exercised it; but we have in the Scriptures many examples of holy princes, as Melchisedech, the King of Salem, the Patriarch Joseph, who ruled most beneficently over all Egypt, Moses, Josue, almost all the Judges, David, Solomon, Ezechias, Josaphat, Josias, Daniel, Mardochai, Nehemias, the Macca-bees, and others.

¹—Bellarmine does not subscribe here to the Protestant view that God is arbitrary.
²—De Gen., Book VIII., ch. 2; Ps. 15.
³—Apologetics, ch. 34.

In the New Testament we see¹ that a ruler believed in Christ, nevertheless he was not ordered to renounce his authority; and in like manner,² the pro-consul converted by St. Paul did not therefore lay aside his jurisdiction. Next, we see that Philip was acknowledged Emperor by St. Fabian, Pope and Martyr, and by the whole Church, nor was he commanded to lay aside his authority, as may be learned in the history of Eusebius.³

Moreover, the reason why a greater abundance of examples is not found in the New Testament is because God willed His Church to begin from poor and humble men,⁴ in order that the growth of the Church might not be considered the work of man, as might have happened had it grown by the favor of princes. Nay, on the contrary, God willed that for the first three hundred years the Church should be attacked by the Emperors of the whole world with all their powers, that by this very thing He might show that the Church was His work, and could accomplish more by suffering than they (the Emperors) could accomplish by inflicting torture.

Hence St. Augustine says⁵ that God willed that in the first age of the Church should be fulfilled that passage,⁶ "The kings of the earth stood up, etc." Then He willed that in the following age should be fulfilled that passage, "And now, ye kings, understand,"⁷ as we see truly fulfilled in Constantine and his successors; inasmuch as we see Constantine Divinely instructed and called by God by a wonderful miracle, as Eusebius relates.⁸ But if rulership were evil, why did Christ Himself call Constantine into the Church? Note in passing a discrepancy in this story. For in the Ecclesiastical History of Eusebius, translated by Ruffinus,⁹ it is related that Constantine, while sleeping, saw the sign of the Cross in the sky, and then angels said to him, "Conquer in this sign." But Eusebius relates¹⁰ that while on a journey Constantine, with his bodily eyes, saw above the sun the

1—John IV., 46, seq.

2—Acts XIII., 6.

3—Book VI., ch. 25.

4—1 Cor., I., 27, 28.

5—Epistle 50.

6—Ps. 2.

7—Ibid., 10.

8—Life of Constantine, Book I.

9—Book IX., ch. 9.

10—Ibid.

sign of the Cross with this inscription, "Conquer in this sign," and the same sign was seen by his whole army. The following night Christ appeared to him and explained the mystery. And he (Eusebius) heard all these things directly from Constantine himself. And it is most likely that what is related in the History was added by Ruffinus.

Many other examples could be added of Justinian, Gratian, Theodosius, father and son, Charlemagne, Louis the Pious, Otho I., St. Henry the Emperor, St. Louis, King of France, and many others who, whether in Britain, or in Hungary, or in Bohemia, or in other places, reigned most holily.

In answer to the contrary argument, I say: Firstly, it is false to state that most rulers are evil, for here we are not speaking of royalty in particular, but of political power in general; such a prince was Abraham, and others; if, therefore, there were wicked rulers, Cain, Nimrod, Ninus, Pharaoh, Saul, Jeroboam, and other Kings of Israel, so, on the other hand, there were good rulers, Adam, Noe, Abraham, Isaac, Jacob, Joseph, Moses, Josue, almost all the Judges, and many kings of Juda.

Secondly, I say that the examples of evil rulers do not prove that authority is evil, for evil men frequently abuse good things, but the examples of good rulers rightly prove that authority is good, since good men do not make use of evil things. Besides, even evil rulers often do more good than harm, as is evident in the cases of Saul, of Solomon, and of others. Finally, it is better for a State to have an evil ruler than none at all, for where there is no ruler the State cannot long endure, as Solomon says,¹ "Where there is no governor, the people shall fall," and where there is a ruler, though he be evil, the unity of the nation is preserved.²

Thirdly, I say that the fact that not one of the Kings of Israel was good pertains to the wonderful Providence of God, for God willed to permit this, since that revolt of the Israelites against the tribe of Juda signifies the breaking away of heretics from the Church, as Eucherius teaches.³ For just as among Catholics there are good

1—Prov. II.

2—St. Thomas, opusc. 20, Book I., ch. 6.

3—On the Book of Kings, Book III.

and bad, but among heretics no one can be good,¹ so also among the Kings of Juda there were many good, also many bad. But among the Kings of Israel not a single good man was found.

CHAPTER V.

THE SAME IS DEDUCED FROM THE END OF POLITICAL POWER

The third reason is deduced from the final cause. Political rule is so natural and necessary to the human race that it cannot be withdrawn without destroying nature itself; for the nature of man is such that he is a social animal;² for indeed brutes are so endowed by nature that each is sufficient to himself, but man needs so many things that he can in no way live alone. For brutes are born clothed and armed, and they have an instinct so determined toward all those things which are beneficial for them that by nature, without any teacher, they know at once how to build nests, to seek for food, and even to make medicine for themselves; but man is born without clothing, without a home, without food, lacking all necessities, and although he has hands, and reason, by which he can prepare all instruments, nevertheless each one needs a long time to develop, and so long that it is impossible for one man to be sufficient to himself for all necessities, especially since we are born unskilled, and the arts

1—Bellarmine has the formal heretic here in mind, i.e., the man who, knowing the teaching of the Church, deliberately rejects or opposes it.

2—Milton states the doctrine opposed to this, according to which society is factitious. "No man who knows aught can be so stupid to deny that all men naturally were born free, being the image and resemblance of God Himself, and were by privilege above all the creatures born to command but not to obey. And that they lived so, till from the root of Adam's transgression falling among themselves to do wrong and violence, and foreseeing that such courses must needs tend to the destruction of them all, they agreed by common league to bind each other from mutual injury, and jointly to defend themselves against any that gave disturbance or opposition to such agreement."—*The Tenure of Kings and Magistrates*.

Hooker at an earlier date than Milton, arguing against the Calvinists, put Bellarmine's argument thus: "But forasmuch as we are not by ourselves sufficient to furnish ourselves with competent store of things needful for such a life as our nature doth desire, a life fit for the dignity of man; therefore to supply those defects and imperfections which are in us living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others. This was the cause of men's uniting themselves at the first in politic societies; which societies could not be without government nor government without a distinct kind of law from that which hath been already declared."—*Loc. cit.*, Vol. I., p. 198.

are learned rather by instruction than by experience; therefore it is necessary that we should live in society, and that one should aid the other.

Besides, even were each one sufficient to himself for the necessities of life, yet he would never, unaided, be able to protect himself from the attacks of wild beasts and robbers, but for this purpose it is necessary for men to assemble and to ward off attacks with their combined strength. And granted that one man might prevail against an enemy, yet he would always remain ignorant, and destitute of wisdom and of justice and of many other virtues, although, indeed, we are born for this very purpose, expressly to cultivate our mind and our will, for the arts and sciences were developed after a long time and by many men, and without a teacher they cannot be learned; it is impossible, moreover, to exercise justice except in society, since it is the virtue determining equity among many.¹

Finally, if man should live solitary, to what purpose has the gift of speech and of hearing, that is, of clearly perceiving words, been bestowed upon him? And so Aristotle rightly declares,² that man is by nature a civil animal, more so than the bees and the cranes, and any beast whatever, and whoever lives in solitude is either a beast or a god, that is, either less or more than man; nor does this statement militate against our hermits.

For those who lived in complete solitude, as Paul, the first hermit, Mary Magdalen, Mary of Egypt, and others, if there be any, can be said to have been something more than man, not by nature, but by grace; for they were miraculously fed by God, as is known; others, moreover, even if they lived in solitude, nevertheless frequently met together, and were subject to their Abbots, as we have shown in the treatise on the Monks.

1—"If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence; and law itself is only beneficence acting by rule. Men have a right to live by that rule; they have a right to do justice; as between their fellows, whether their fellows are in politic function or in ordinary occupation. They have a right to the fruits of their industry; and to the means of making their industry fruitful. They have a right to the acquisitions of their parents; to the nourishment and improvement of their offspring; to instruction in life, and to consolation in death. Whatever each man can separately do, without trespassing upon others, he has a right to do for himself; and he has a right to a fair portion of all which society, with all its combinations of skill and force can do in his favor. In this partnership all men have equal rights; but not to equal things."—Burke: *Reflections on the French Revolution*.

2—Pol. Book I., ch. 2.

Now, truly, if human nature needs social life, certainly it also needs a rule and a ruler, for it is impossible for a multitude to hold together for any length of time unless there be one who governs it, and who is responsible for the common welfare; just as, if there were not in each one of us a soul to govern and unite the parts and powers and conflicting elements of which we are made, immediately all would disintegrate. Hence it is written,¹ "Where there is no governor, the people shall fall." Finally, society is order among many, for a disorderly and scattered multitude is not called society; moreover, what is order other than a certain succession of inferiors and superiors? Therefore, rulers have been necessarily ordained, if society is to endure.²

By this reasoning the third argument of the Anabaptists is answered, for they adopt a false position when they say that political rule was permitted to the Jews on account of their imperfection, but that it is not fitting for us, since baptism teaches us all things; for baptism teaches us, first of all, that it is necessary to have a ruler; nor does it suffice to know all things, but we must also make and prepare many things, which we cannot do without the help of others.

And, besides, from this very fact may be inferred that the statement is false which Cicero makes, namely, that there was formerly a time when men wandered about in the manner of beasts, then, through the eloquence of some wise orator, they were induced to assemble, and to live together.³ Indeed, whoever undertakes the

1—Prov. II.

2—"That which hitherto we have set down, is (I hope) sufficient to show their brutishness, which imagine that religion and virtue are only as men will account of them; that we might make as much account, if we would, of the contrary, without any harm to ourselves, and that in nature they are as indifferent one as the other. We see then how nature itself teaches laws and statutes to live by. The laws, which have been hitherto mentioned, do bind men absolutely, even as they are men, although they have never any settled fellowship, never any solemn agreement among themselves what to do, or not to do. But forasmuch as we are not only by ourselves sufficient to furnish ourselves with a competent store of things needful for such a life as our nature doth desire, a life fit for the dignity of man; therefore to supply those defects and imperfections which are in us living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others. This was the cause of men's uniting themselves at the first in politic societies, which societies could not be without government nor government without a distinct kind of law from that which hath been already declared. Two foundations there are which bear up public society; the one, a natural inclination, whereby all men desire sociable life and fellowship; the other, an order expressly or secretly agreed upon touching the manner of their union in living together."—Hooker: *Loc. cit.*, Book I., ch. 10, p. 198.

3—De Inventione, Book I. This reference is particularly noteworthy because it is

praise of eloquence usually makes this statement even now. But that state of affairs never existed, nor could it have existed at any time. For Adam was a very wise man, and without doubt did not allow men to wander about like beasts, and Cain, his son, even built a material city; before Cain and Adam, man did not exist.

But it is no wonder that Cicero and other pagans say such things, for the pagans, since they thought that the world existed from all eternity, and since they saw, on the other hand, that all the arts were of recent date, and knowledge of them had existed for only a few years, supposed, for this reason, that for a very long time men had lived like animals, and the recollection of the things which they had done commenced at the time when they began to live like men; but it is certainly hard to understand how Christians, who have learned from the Revelation of God that six thousand years ago the world had not yet been created, and that the first men immediately built cities, dare to say that for a long time men lived like beasts, without a ruler and without cities.

here we find the source of the erroneous tradition maintained by Seneca, the Calvinists, Hobbes, Locke, Rousseau, etc., according to which society is wholly factitious.

According to Milton, "No man, who knows aught, can be so stupid to deny that all men naturally were born free, being the image and resemblance of God Himself, and were by privilege above all the creatures, born to command and not to obey. And that they lived so, till from the root of Adam's transgression falling among themselves to do wrong and violence, and foreseeing that such courses must needs tend to the destruction of them all, they agreed by common league to bind each other from mutual injury, and jointly to defend themselves against any that gave disturbance or opposition to such agreement. Hence came cities, towns, and commonwealths. And because no faith in all was found sufficiently binding, they saw it needful to ordain some authority that might restrain by force and punishment what was violated against peace and common right."—*The Tenure of Kings and Magistrates*.

Duplessis-Mornay at an earlier date had maintained, "In the first place every one consents, that men by nature loving liberty, and hating servitude, born rather to command than to obey, have not willingly admitted to be governed by another, and renounced as it were the privilege of nature, by submitting themselves to the commands of others, but for some special and great profit that they expected from it."—*Loc. cit.*, p. 139.

This tradition is summed up by Locke in the following words: "Man being born, as has been proved, with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power not only to preserve his property—that is, his life, liberty, and estate, against the injuries and attempts of other men, but to judge of and punish the breaches of that law in others, as he is persuaded the offense deserves, even with death itself, in crimes where the heinousness of the fact, in his opinion, requires it. But because no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto punish the offenses of all those of that society, there, and there only, is political society where every one of its members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it."—*Two Treatises of Government*, Book II., ch. 7.

In the early ages of the Church, Lactantius, arguing against the Stoics, laid the

CHAPTER VI.

THE SAME INFERENCE IS DRAWN FROM THE EFFICIENT CAUSE

The fourth argument is taken from the efficient cause. For it is certain that political power is of God, from Whom proceeds nothing that is not good and lawful. St. Augustine proves this.¹ For the Wisdom of God proclaims, "By Me kings reign."² And below, "By Me princes rule."³ And, "The God of heaven hath given thee a kingdom, and strength, etc."⁴ And, "Thy dwelling shall be with cattle and with wild beasts, and thou shalt eat grass as an ox, and shalt be wet with the dew of heaven; and seven times shall pass over thee, till thou know that the most High ruleth over the kingdom of men, and giveth it to whomsoever He will."⁵

But in this place other matters should be noted. First, political power considered in general, not descending in particular to Monarchy, Aristocracy, or Democracy, comes directly from God alone; for this follows of necessity from the nature of man, since that nature comes from Him Who made it; besides, this power derives from the natural law, since it does not depend upon the consent of men; for, willing or unwilling, they must be ruled over by some one, unless they wish the human race to perish, which is against a primary in-

foundations for the Christian tradition. After denying as a fact any deliberate assembling of people in the beginning, he allows it as a supposition, and then proceeds, "If men were collected together on this account, that they might protect their weakness by mutual help, therefore we must succor man who needs help. For since men entered into and contracted fellowship with men for the sake of protection, either to violate or not to preserve that compact which was entered into among men from the commencement of their origin is to be considered as the greatest impiety. For he who withdraws himself from affording assistance must also of necessity withdraw himself from receiving it; for he who refuses his aid to another thinks that he stands in need of the aid of none. But he who withdraws and separates himself from the body at large must live not after the custom of men, but after the manner of wild beasts. But if this cannot be done, the bond of human society is by all means to be retained because man can in no way live without man. But the preservation of society is a mutual sharing of kind offices; that is, affording of help that we may be able to receive it. But if, as those others assert, the assembling of men together has been caused on account of humanity itself, man ought undoubtedly to acknowledge man."—*Divine Institutes*, Book VI., ch. 10.

1—*City of God*, Book 4, 5.

2—*Prov.* VIII.

3—*Ibid.*, 1, 6.

4—*Daniel* II.

5—*Daniel* IV.

stinct of nature.¹ But natural law is Divine law, therefore, government was instituted by Divine law, and this seems to be the correct meaning of St. Paul when he says, "He that resisteth the power, resisteth the ordinance of God."²

Note, secondly, that this power resides, as in its subject, immediately in the whole state, for this power is by Divine law, but Divine law gives this power to no particular man, therefore Divine law gives this power to the collected body. Furthermore, in the absence of positive law, there is no good reason why, in a multitude of equals, one rather than another should dominate. Therefore, power belongs to the collected body. Finally, human society ought to be a perfect

1—Burke in the *Appeal from the New to the Old Whigs* says, "I cannot too often recommend it to the serious consideration of all men, who think civil society to be within the province of moral jurisdiction, that if we owe to it any duty, it is not subject to our will. Duties are not voluntary. Duty and will are even contradictory terms. Now though civil society might be at first a voluntary act (which in many cases it undoubtedly was), its continuance is under a permanent, standing covenant, co-existing with the society; and it attaches upon every individual of that society, without any formal act of his own. This is warranted by the general practice, arising out of the general sense of mankind. Men without their choice derive benefits from that association; without their choice they are subjected to duties in consequence of these benefits; and without their choice they enter into a virtual obligation as binding as any that is actual. Look through the whole of life and the whole system of duties. Much the strongest moral obligations are such as were never the result of our option. I allow, that if no supreme ruler exists, wise to form, and potent to enforce, the moral law, there is no sanction to any contract, virtual or even actual, against the will of prevalent power. On that hypothesis, let any set of men be strong enough to set their duties at defiance, and they cease to be duties any longer."

Modern sociology would appear to be reverting to this position of the scholastics and of Burke if we are to judge from the trend followed by Prof R. M. McIver in his book, *The Community*, where he says, "Every association, every organization of men, came into being through a covenant of men to establish it, and exists in a covenant of men to maintain it. Without this agreement of wills there could be no organization, no constructed system of order and procedure. The old doctrine spoke of a social contract or covenant and would have escaped the fallacies of which it is accused if it had only distinguished community from State and recognized that while all associations, the State included, rest on covenant, community itself is prior to and the necessary precondition of all covenant. A social covenant to establish society (or community) is a contradiction. A social covenant to establish or maintain the State is a great reality. It is visible in the obedience men pay to political laws determined by a majority alone; it is visible in the continuous transformation of the State, in accordance with changes in the social will. Community is coeval with life, associations are merely its products."—p. 131.

With regard to the two-fold element of necessity and of the conventional in society insisted on by Bellarmine in this chapter, Burke has this to say, "Society is indeed a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure—but the State ought not to be considered nothing better than a partnership agreement in a trade of pepper and coffee, in calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a

2—Rom. XIII., 2.

State, therefore, it should have the power to preserve itself, hence, to punish disturbers of the peace, etc.¹

Note, in the third place, that, by the same natural law, this power is delegated by the multitude to one or several,² for the State cannot of itself exercise this power,³ therefore, it is held to delegate it to

temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place. This law is not subject to the will of those who, by an obligation above them, and infinitely superior, are bound to submit their will to that law. The municipal corporations of that universal kingdom are not morally at liberty at their pleasure, and on their speculations of a contingent improvement wholly to separate and tear asunder the bands of their subordinate community, and to dissolve it into an unsocial, uncivil, unconnected chaos of elementary principles. It is the first and supreme necessity only, a necessity that is not chosen but chooses, a necessity paramount to deliberation, that admits no discussion, and demands no evidence, which alone can justify a resort to anarchy. This necessity is no exception to the rule; because this necessity itself is a part, too, of that moral and physical disposition of things, to which man must be obedient by consent or force: but if that which is only submission to necessity should be made the object of choice, the law is broken, nature is disobeyed, and the rebellious are outlawed, cast forth, and exiled from this world of reason, and order, and peace, and virtue, and fruitful penitence, into the antagonistic world of madness, discord, vice, confusion, and unavailing sorrow."—*Reflections on the French Revolution*.

1—"Government is not made in virtue of natural rights, which may and do exist in total independence of it; and exist in much greater clearness, and in a much greater degree of abstract perfection; but their abstract perfection is their practical defect. By having a right to everything, they want everything. Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom. Among these wants is to be reckoned the want, out of civil society, of a sufficient restraint upon their passions. Society requires not only that the passions of individuals should be subjected, but that even in the mass and body, as well as in the individuals the inclinations of men should frequently be thwarted, their will controlled, and their passions brought into subjection. This can only be done by a power out of themselves; and not, in the exercise of its function, subject to that will and to those passions which it is its office to bridle and subdue. In this sense the restraints on men, as well as their liberties, are to be reckoned among their rights. But as the liberties and the restrictions vary with times and circumstances, and admit of infinite modifications, they cannot be settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle."—*Burke: Reflections on the French Revolution*.

2—Hooker follows Bellarmine here when he says, "First, unto me it seemeth without a doubt in controversy, that every independent multitude, before any certain form of regiment established, hath, under God, supreme authority, full dominion over itself, even as a man not tied with the band of subjection as yet to any other, hath over himself the like power. God creating mankind did indue it naturally with power to guide itself in what kind of society soever they should choose to live. A man which is born lord of himself may be made another's servant. And that power which naturally whole societies have, may be derived unto many, few, or one, under whom the rest shall then live in subjection.—*Loc. cit.*, Vol. II., Book VIII., p. 398.

3—Chief Justice Marshall in *Gibbons vs. Ogden*, 9 Wheaton 1, says, speaking of the grant of power made to the Federal government, it "is an investment of power for the general advantage; in the hands of agents selected for that purpose; which power can never be exercised by the people themselves, but must be placed in the hands of agents, or lie dormant."

some individual, or to several, and this authority of rulers considered thus in general is both by natural law and by Divine law, nor could the entire human race assembled together decree the opposite, that is, that there should be neither rulers nor leaders.

Note, in the fourth place, that individual forms of government in specific instances derive from the law of nations, not from the natural law, for, as is evident, it depends on the consent of the people to decide whether kings, or consuls, or other magistrates are to be established in authority over them; and, if there be legitimate cause, the people can change a kingdom into an aristocracy, or an aristocracy into a democracy, and vice versa, as we read was done in Rome.¹

Note, in the fifth place, that it follows from what has been said that this power in specific instances comes indeed from God, but through the medium of human wisdom and choice, as do all other things which pertain to the law of nations. For the law of nations is a sort of conclusion drawn from the natural law by human reason;²

1—It was this doctrine in the *De Laicis* that King James I. particularly objected to in his *Premonition to all most Mightie Monarches, Kings, Free Princes and States of Christendome*, and thereby advertised the little treatise to the world. "And as for the setting up of the people," said he, "above their own natural king, he bringeth in that principle of sedition, that he may thereby prove, that kings have not their power and authority immediately from God, as the Pope hath his: for every king, saith he, is made and chosen by his people; nay, they do but so transfer their power in the king's person, as they do notwithstanding retain their habitual power in their own hands, which upon certain occasions they may actually take to themselves again. This, I am sure, is an excellent ground in divinity for all rebels and rebellious people, who are hereby allowed to rebel against their princes; and assume liberty unto themselves, when in their discretions they shall think it convenient."—Chas. H. McIlwain: *The Political Works of James I.*, p. 153.

This, it is clear from the text above, is a perversion of Bellarmine's clear meaning. He in no way contends for what Milton advocated, namely, the right of the people to cashier their rulers at will. For Suarez' defense of Bellarmine's doctrine, cf. *State and Church*, p. 173, also for Bellarmine's defense of himself, p. 116.

Sir Robert Filmer was the occasion of renewed attention being given to Bellarmine's doctrine by the Whigs in the time of Charles II. in so far as he summarized it accurately in his *Patriarcha* as the most noted sample of all that was hateful to the Tory mind. Cf. *State and Church*, p. 134 et seq., also Holdsworth's *History of English Law*, Vol. VI., p. 283. Holdsworth has allowed himself to be misled by Filmer to the extent of identifying Bellarmine's doctrine with that of the Calvinists.

Reasons for thinking that Jefferson had Bellarmine's doctrine, as paraphrased by Filmer, in mind when he wrote the Declaration of Independence may be found in *State and Church*, p. 175 et seq., and further corroboration will be found in the more recent *Life and Letters of Thomas Jefferson*, by Francis W. Hirst, p. 508.

2—St. Thomas, I, IIæ, Q. XCV., Art. 4, ad 1: "The law of nations is indeed, in some way, natural to man, in so far as he is a reasonable being, because it is derived from the natural law by way of a conclusion that is not very remote from its premises. Wherefore men easily agreed thereto. Nevertheless it is distinct from the natural law, especially from that natural law which is common to all animals."

Suarez distinguishes more definitely between natural law and law of nations, in *De Legibus*, Book II., ch. 17, no. 9.

from which are inferred two differences between the political and the Ecclesiastical power, one in view of the subject, for political power resides in the people, and Ecclesiastical power in the individual, as it were immediately in the subject (on whom it devolves); the other difference is in view of the efficient cause, because political power considered in general is by Divine law, but considered in particular it is by the law of nations. Ecclesiastical power, however, considered from every point of view, is by Divine law, and immediately from God.

On the basis of these proofs, in answer to the fourth argument of the Anabaptists, I maintain that by their argument they prove their point only in respect to particular forms of government, not to political power in general; but we wish in this place to establish the principle of political power in general, not any particular form of government.

I add, secondly, that very often governments are both just and unjust, of God, and not of God; for, on the part of those who hold and usurp authority, governments are thievish and unjust, hence not from God; yet, on the part of Divine Providence, which makes use of the evil intent of men and directs it either to the punishment of sin or to some other good end, or to the reward of good deeds, governments are just and lawful. For God, by an admirable decree of His Providence, sometimes deprives some of power and bestows it upon others in such wise that he who falls from power over the kingdom falls justly, yet he who invades the kingdom does not possess it justly; and God Himself, in His own time, will inflict most just punishments for that invasion.

For God gave the possession of Palestine to the sons of Israel for a far different reason from that for which He afterwards gave it to Salmanasar or Nabuchodonosor, inasmuch as the sons of Israel, under the leadership of Josue, fought with praiseworthy obedience against the people of Palestine, and when many of these latter had been slain in battle, appropriated their lands, whereas Salmanasar and Nabuchodonosor, by a most wicked sacrilege, led into captivity the people of God; for in this they sought to follow not the Divine command, but their own wicked desire, yet even though they were ignorant of it, God made use of them for that end which, most justly,

He willed to be attained.

St. Augustine¹ and Hugh of St. Victor² explain this matter accurately, nor is the testimony of the Scriptures wanting. For in *Isaias* we read as follows: "The Assyrian is the rod and the staff of My anger, and My indignation is in their hands. I will send him to a deceitful nation, and I will give him a charge against the people of My wrath, to take away the spoils, and to lay hold on the prey, and to tread them down like the mire of the streets. But he shall not take it so, and his heart shall not think so."³ In this place God speaks of Salmanasar and Sennacherib, who with evil intent seized the lands of Israel, yet God, without their knowledge, made use of their deeds to punish the Israelites.

Thus *Isaias*, "Thus saith the Lord to my anointed Cyrus, whose right hand I have taken hold of, to subdue nations before his face, and to turn the backs of kings, and to open the doors before him, and the gates shall not be shut. I will go before thee, and will humble the great ones of the earth: I will break in pieces the gates of brass, and will burst the bars of iron. And I will give thee hidden treasures, and the concealed riches of secret places: that thou mayest know that I am the Lord Who call thee by thy name, the God of Israel. For the sake of My servant Jacob, and Israel My elect, I have even called thee by thy name: I have made a likeness of thee, and thou hast not known Me."⁴

From this passage it appears that Cyrus had obtained a kingdom for himself through his desire for domination, and not for the sake of God's service; and yet God aided him, and gave him the kingdom he was seeking, that He Himself might liberate the people of Israel from the Babylonian Captivity.

Jeremias, "I have given all these lands into the hand of Nabuchodonosor, king of Babylon, My servant; moreover, also the beasts of the field I have given him to serve him. And all nations shall serve him, and his son, and his son's son: till the time come for his land and himself: and many nations and great kings shall serve him. But the nation and the kingdom that will not serve Nabuchodonosor

1—*De Gratia et Libero Arbitrio*, ch. 20, 21.

2—*De Sacramentis*, Bk. I., Part I., ch. 29.

3—*Isaias* X.

4—*Isaias* XLV.

the king of Babylon, and whosoever will not bend his neck under the yoke of the king of Babylon: I will visit upon that nation with the sword, and with famine, and with pestilence, saith the Lord." ¹ And yet who doubts that Nabuchodonosor subdued so many kingdoms with bad intent?

Ezechiel also says, "Nabuchodonosor, king of Babylon, hath made his army to undergo hard service against Tyre . . . and there hath been no reward given him, nor his army for Tyre, for the service that he rendered Me against it." ² And below, "I have given him the land of Egypt, because he hath labored for Me, saith the Lord God." ³

In like manner the Romans sought empire not for the sake of God, but through a desire for worldly glory, as St. Augustine shows at great length in the *City of God*.⁴ Yet God gave them supreme rule, not only that He might reward them for their good works in the moral order, as St. Augustine likewise shows in the *City of God*,⁵ but also that through the union of all the nations under one government the way might be prepared for the preaching of the Gospel, as St. Leo says in his first sermon for the Feast of Saints Peter and Paul.

Add, moreover, that even if at the beginning those who founded kingdoms were usurpers for the most part, yet, by the passing of time, either they or their successors became lawful rulers of these kingdoms, since the people gradually gave their consent. In this way the kingdom of France is now lawful, in the opinion of all, though in the beginning the Franks unjustly occupied Gaul. And the same may be said of the kingdom of Spain, which began with the invasion of the Goths; of the kingdom of England, which began with the unjust occupation of the Anglo-Saxons; and of this very Roman Empire, which was founded by Julius Cæsar, the oppressor of his country; which, nevertheless, afterward became lawful to such a degree that Our Lord said, "Render to Cæsar the things that are Cæsar's, etc." ⁶

1—Jeremias XXVII.

2—Ezechiel XXIX.

3—Ibid., 20.

4—Book V., ch. 12.

5—Ibid., ch. 15.

6—Matt., XXII., 21.

CHAPTER VII.

THE SAME IS PROVED FROM ANTIQUITY

The fifth argument is taken from the origin of secular power. For even if servile subjection began after the sin of Adam, nevertheless there would have been political government even while man was in the state of innocence. And this is proved, firstly, because even then man would have been by nature a political and social animal, and hence would have had need of a ruler.¹

Secondly, from creation itself; because for that reason God made woman from man, and did not create many men at the same time, but only one, from whom all others were to be born; so that He might show the order and supremacy which He wished to exist among

1—It is important to note that this point was not always clear. From St. Augustine to St. Thomas the traditional view was that stated by Alexander of Hales, "Natural law ordains the equal freedom of all in the state of original nature; but according to the state of fallen nature it ordains that subjection and lordship are necessary for the constraint of evil." Quoted from Bede Jarrett, O.P., *Social Theories of the Middle Ages*, p. 9.

St. Thomas distinguished between the need there would have been of a ruler due to the social nature of man itself, even had man remained in the state of innocence, and the sanction of force now necessitated in consequence of original sin.

Summa, I., Q. XCVI., Art. 4: "Then indeed does a man rule over another as over one who is free when he directs the one who is ruled to his (the subject's) own good or to the common good; and such rule of man over man would have existed in the state of innocence for two reasons: first, because man is by nature a social animal. Hence men in the state of innocence would have lived in society. But the social life of many is impossible unless one presides who provides for the common good."

Unfortunately in the controversy that developed between Church and State in consequence of Philip the Fair's attack on Boniface VIII., St. Thomas' teaching was not accepted in practice, and the Augustinian tradition proved inadequate to meet the reactionary revival of the Civil Law. But in England it was duly linked up with the more Christian common law, thanks chiefly to Sir John Fortescue. Ptolomæus of Lucca, in his continuation of St. Thomas' *De Regimine Principum*, states St. Thomas' doctrine thus: "Political government is superior to regal government in two ways. First, if we consider rule in regard to the state of integrity of human nature, called the state of innocence, in which there would have been no regal government, but only political, since then there would have been no rule of the character of servitude, but pre-eminence and subjection in the matter of disposing and governing the multitude according to the merits of each, in such wise that in exerting or in receiving influence each one would be disposed according to what was congruent to his nature."—Book II., ch. 9.

This was taken up and applied by Fortescue in his *De Laudibus Legum Angliæ* in the 15th century. "A king of England cannot at his pleasure make any alterations in the laws of the land, for the nature of his government is not only regal but political. Had it been merely regal he would have the power to make what innovations and alterations he pleased in the laws of the kingdom, impose tallages, and other hardships upon the people whether they would or no, without their consent, which sort of government the civil laws point out when they declare *Quod principi placuit habet legis vigorem*; but it is much otherwise with a king whose government is political

men, as St. Chrysostom observes.¹ Thirdly, since in that state of innocence there would have been inequality of the sexes, of height, of strength, of wisdom, and of virtue, therefore, both supremacy and subjection; for in human society there should be order. But right order demands that the inferior be ruled over by the superior, the woman by the man, the younger by the older, the less wise by the more wise, the less good by the better; moreover, the fact that these diversities would have existed even then may be shown in this way.

In that state there would have been generation, as is clear from "Increase and multiply,"² therefore there was a difference of sexes, which necessarily precedes generation, and a difference of age, which necessarily follows upon generation, and a difference of wisdom and of virtue, which follows upon difference of age; for men would not have been born perfect in that state, but would have had to learn

because he can neither make any alteration or change in the laws of the realm without the consent of the subjects, nor burden them against their wills with strange impositions so that a people governed by such laws as are made by their own consent and approbation enjoy their property securely and without hazard of being deprived of them either by the king or any other; the same things may be effected under an absolute prince provided he do not degenerate into the tyrant. But of such a prince Aristotle, in the third of his Politics, says, "It is better for a city to be governed by a good man than by good laws." But because it does not always happen that the person presiding over a people is so qualified, St. Thomas, in the book he wrote to the King of Cyprus (*De Regimine Principum*), wishes that a kingdom could be so instituted as that the king might not be at liberty to tyrannize over his people; which only comes to pass in the present case; that is, when the sovereign power is restrained by political laws. Rejoice, therefore, my good prince, that such is the law of that kingdom to which you are to inherit because it will afford both to yourself and subjects the greatest security and satisfaction. With such a law, saith the same St. Thomas, all mankind would have been governed, if in the paradise, they had not transgressed the command of God."—ch. 9, (English translation edited by A. Amos).

This and similar applications of St. Thomas' doctrine had great influence towards inducing the Whigs later to turn to the scholastics for their theory of government. Speaking of those who subscribed to the Whig theory, Burke says, "They conceive that He Who gave our nature to be perfected by our virtue, willed also the necessary means of its perfection.—He willed, therefore, the state—He willed its connection with the source and original archetype of all perfection."—*Reflections on the French Revolution*.

In view of the claim made by some, who would eliminate the scholastic influence, that Burke derived his theory from Hooker, the following is very pertinent: "All public regiment, of what kind soever, seemeth evidently to have risen from deliberate advice, consultation, and composition between men, judging it convenient and behovful; there being no impossibility in nature considered by itself, but that men might have lived without any public regiment. Howbeit, the corruption of our nature being presupposed, we may not deny, but that the law of nature doth now require of necessity some kind of regiment; so that to bring things unto the first course they were in, and utterly to take away all kind of public government in the world, were apparently to overturn the whole world."—Hooker, *loc. cit.* Vol. I., Book I., ch. 10, p. 202.

1—Hom. 34 on 1 Cor. III.

2—Gen. I., 28.

and to make progress gradually. All, indeed, would have been born in the grace of God, and with greater intellectual power than now,¹ as St. Augustine shows,² but without doubt they would not have been as perfect as adults; and among those very adults, by reason of free will, some could have been more, some less, earnest in applying themselves to learning.

Finally, variety in natural endowments arises from the variety of bodies; and there would have existed at that time bodies differing in size, in shape, in strength, and the like, as is evident, since those bodies were not exempt from the laws of nature, and had need of food, of air to breathe, and of water. Therefore, even at that period, there would have been diversity of mental powers.³

Fourthly, there is leadership and obedience among the angels; why, then, would there not have been the same among men in the state of innocence? Certainly Beelzebub is called the prince of devils.⁴ He certainly did not acquire his leadership by sinning, but retained that which he had formerly held among those angels who followed him, and it is written, "Michael and his angels."⁵ Finally, Dionysius⁶ says that the first choir of angels was supreme, and commanded the second, and the second commanded the third; and St. Gregory says⁷ that the names of Principalities and Dominations among the angels clearly mean that some were superior to others.

From these proofs the fifth argument may be stated thus: The liberty in which we were created does not conflict with political subjection,⁸ but with despotic, that is, with true and real slavery; but political subjection differs from servile, because one who is subject as a slave exists and works for another as his end; he who is subject politically exists and works for his own advantage. A slave is governed not in view of what is to his own advantage, but of what is to the advantage of his master; a citizen is governed in view of

1—By reason of the integrity of human nature.

2—De Baptismo Parvulorum, Lib. I., c. 38.

3—St. Thomas, Sum Theo. Ia., Q. 96 and 105.

4—Matt. XII.

5—Apoc. XII., 7.

6—Cœlestis Hierarchiæ, c. 9.

7—Hom. 34 In Evangelium.

8—This would not be true on the Protestant assumption of what that liberty would have consisted in. For example, Milton says, "Many there be that complain of Divine Providence for suffering Adam to transgress. Foolish tongues! when God gave him

what is to his own advantage, not of what is to the advantage of the magistrates, just as, on the other hand, a political ruler, while he is governing the people, seeks not his own advantage, but that of the people. But a tyrannous lord seeks his own advantage, not that of the people, as Aristotle teaches.¹ And so, truly, if there is any slavery in political government, he who commands should more rightfully be called a slave than he who is subject, as St. Augustine teaches.² And this is the literal meaning of that saying of Our Lord, "He that will be first among you, shall be your servant;"³ indeed, the bishops call themselves the servants of their people, and the Pope calls himself the servant of the servants of God.

In explanation of the first quotation, from Gen. I., I say that there it is a question of despotic rule; for thus should man dominate over the fishes of the sea, and the birds of the air, and other living beings of the animal world.

In explanation of the second quotation I say that woman was as much the partner and subject of man before original sin as after, his partner in generation, his subject in government. Moreover, that quotation, "Thou shalt be under the power of thy husband," does not signify any and every kind of subjection, but that unwilling subjection in sadness and in fear, such as many married women experience. Thus St. Augustine teaches, "For," says he, "we should not believe that before original sin woman was created only to be dominated over by man, and that she might apply herself to serving him, but

reason He gave him freedom to choose, for reason is but choosing; he had been else a mere artificial Adam, such an Adam as he is in the motions."—*Areopagitica*.

This Protestant assumption is even more definitely stated by Viscount Bryce in his *Studies in History and Jurisprudence*, p. 638. "To the modern European world, religion and law seem rather opposed than akin; the points of contrast more numerous and significant than the points of resemblance. They are deemed to be opposed as that which is free and spontaneous is opposed to that which is rigid and compulsive, as that which belongs to the inner world of personal conscience and feeling is opposed to the outer world of social organization and binding rights. The one springs from and leads to God, Who is the Beginning and End of all religious life; the other is enforced by and itself builds up and knits together the State. Even when the law in question is the revealed law of God the contrast remains. The efforts which we find in the New Testament, and especially in some of St. Paul's Epistles, to reconcile the law delivered to Israel with the dispensation of the new covenant, all point to, and assume antagonism. Grace, that is to say, the spontaneous goodness and favor of God, is felt as the antithesis to the law; and it is only when human nature has been brought into complete accord with God's Will that the antithesis vanishes, and we have the perfect law of liberty."

1—*De Moribus*, Book VIII., ch. 10.

2—*City of God*, Book XIX., ch. 14.

3—*Matt.* XX., 27.

this state of service may rightly be held to have meant one of condition rather than of choice." ¹

In explanation of the third quotation I admit that Cain was the first who built a material city, but it does not follow from this that political rule began there; for even without a material city there can be a State and government, nor can it be denied that Adam's sons and grandsons were subject to him.

In explanation of the fourth quotation I say that St. Augustine is speaking of slavery properly so-called, as is clear from the whole chapter, where, among other things, he says, "The condition of slavery is understood to have been justly imposed on the sinner, etc." Nor is this contrary to what St. Augustine says in the same place, that the first just men were made shepherds of flocks rather than kings of men, so that God might make clear this also, namely, what the natural order of creatures would require on the one hand, and what the deserts of sinners would demand on the other.² For in this place he considers the abuse of the name of king, which is sometimes taken to mean despotic government. For St. Augustine says, "A king is called such because he guides and advises, not because he rules and dominates," ³ and in this way Abraham, Isaac, and Jacob could have been called kings; yet, since haughty man thinks that a king should derive his title from rule and domination, for this reason Our Lord says, "The kings of the Gentiles lord it over them;" ⁴ and for the same reason the first just men were called shepherds of flocks rather than kings of men.

In explanation of the fifth quotation I say that St. Gregory is not speaking of political power as such, but of secular power accompanied by fear, and sadness, and anxiety, etc., which were brought in by sin. And when he says, "All men are equal by nature, but are made unequal by sin, and therefore one should be ruled over by another," he does not mean that men by nature are equal in wisdom

1—De Gen., Book XI., ch. 37.

2—This was a stock quotation in the early Middle Ages constantly adduced in proof of man's specific equality, on which ground it was held definitely that no man of himself had any right to impose his will upon others, whence it followed that authority in the ruler to be legitimate presupposed that that authority was based on the consent of the governed.

3—City of God, Book IV., ch. 12.

4—Luke XXII., 25.

or in grace, but equal in essence¹ and in human form, from which equality he rightly infers that one should not be dominated over by another, as man dominates over the beasts, but only that one should be ruled over politically by another.² Hence, in the same place he adds: "For it is against nature to act proudly or to wish to be feared by one's equals; for, truly, by sin sinners are made like to beasts; and they fall from that integrity of nature in which they were created, therefore St. Gregory says in the same place that after the first sin one man rightly began to dominate over another with threats and punishments inspiring terror, which would not have been the case in the state of original justice.

CHAPTER VIII.

RULE OR DOMINION CAN EXIST AMONG WICKED MEN

The thesis that we have proposed in the second place, namely, that government can exist among the wicked, can easily be proved. But first there comes up for discussion the error of Amarcanus, who

1—i.e., specific equality.

2—Burke, in the Trial of Warren Hastings, exclaimed, "He have arbitrary power! My lords, the East India Company have no arbitrary to give him; the king has no arbitrary to give him; your lordships have not; nor the Commons; nor the whole legislature. We have no arbitrary power to give, because arbitrary power is a thing, which neither any man can hold nor any man can give. No man can lawfully govern himself according to his own will, much less can one person be governed by the will of another. We are all, born in subjection, all born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law, prior to all our devices and prior to all our contrivances, paramount to all our ideas, and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.

This great law does not arise from our conventions or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have;—it does not arise from our vain institutions. Every good gift is of God; all power is of God;—and He, Who has given the power, and from Whom alone it originates, will never suffer the exercise of it to be practiced upon any less solid foundation than the power itself. If then all dominion of man over man is the effect of the Divine disposition, it is bound by the eternal laws of Him, that gave it, with which no human authority can dispense; neither he, that exercises it, nor even those, who are subject to it; and, if they were mad enough to make an express compact, that should release their magistrate from his duty, and should declare their lives, liberties, and properties dependent upon, not rules and laws, but his mere capricious will, that covenant would be void. The acceptor of it has not his authority increased, he has his crime doubled. Therefore can it be imagined, if this be true, that he will suffer this great gift of government, the greatest, the best, that was ever given by God to mankind, to be the plaything and the sport of the feeble will of a man, who, by a blasphemous, absurd, and petulant usurpation, would place his own feeble, contemptible, ridiculous will in the place of the Divine wisdom and justice?"

teaches¹ that the chief title of the ruler to his authority is the grace of God, or justice and charity; moreover, all other titles are based upon this, and he who lacks the virtue of justice and the grace of God has no true dominion. At the very same time, John Wyclif taught the same error, which Thomas Waldensius ably refutes,² and a little later John Huss brought up the same error, as is clear from Session 15 of the Council of Constance.

The arguments of these men were three in number. First, from the Scriptures, "They have reigned, but not by Me: they have been princes, and I knew not: of their silver and their gold they have made idols to themselves, that they might perish."³ Here God condemns the rule of wicked princes and says that He did not grant it to them, and He gives as the reason that they made idols for themselves.

Their second argument is from the text, "A kingdom is translated from one people to another, because of injustices."⁴

Their third argument is from reason, since, as they say, there is no authority to rule, except from God, but God would by no means confer this authority on wicked men, not only because they are His enemies, but also because He would thus seem to approve abuse of power; for all wicked men abuse power.

This error is easily refuted. First, from the Scriptures, "Power is given you by the Lord and being ministers of His kingdom, you have not judged rightly, etc."⁵ "Thus saith the Lord to my anointed Cyrus, etc."⁶ God says, "I have given all those lands into the hand of Nabuchodonosor, king of Babylon, etc."⁷ And "Thou art a king of kings: and the God of heaven hath given thee a kingdom and strength, and power, and glory, etc."⁸ And, the Apostles Peter⁹ and Paul¹⁰ teach that the authority of rulers is from God and they must be obeyed, and this even though at that time there were none but infidel kings.

1—Quæst. Armenicarum, Book X., ch. 4.

2—Doctrinalis Fidei, Book II., ch. 81. et seq.

3—Osee VIII., 4.

4—Eccl. X., 8.

5—Wisdom VI., 4, 5.

6—Isaias XLV., 1.

7—Jeremias XXVII., 6.

8—Daniel II., 37.

9—1 Peter II.

10—Rom. XIII.

Secondly, from the Council of Constance,¹ where this error is condemned by the Church.

Thirdly, from St. Augustine, who says, "Since this is the case, let us not attribute the giving of a kingdom and the power to rule except to the true God, who gives happiness in the kingdom of heaven only to the good, but the kingdom of earth both to the good and bad, as is pleasing to Him to Whom nothing unjust is pleasing."² And below, "He Who gave dominion to Marius, gave it also to Cæsar, He Who gave it to Augustus, gave it also to Nero, He Who gave it to Vespasian, father or son, most benign emperors, gave it also to the most cruel Domitian; and that it may not be necessary to recount every instance, He Who gave it to Constantine the Christian gave it also to Julian the Apostate."

In the fourth place, we may refute this argument from reason. For the foundation of secular power is not grace, but nature; for man, since he is made in the image of God, and hence endowed with intellect and the use of reason, dominates, therefore, over the lower orders of creation, as may be concluded from Gen. I. But human nature remains in infidels, though grace is wanting, and therefore they may possess true temporal power.

In regard to this, since grace and justice are most secret, and no one is certain, in regard to himself or to another, whether he be truly in the state of grace or not, then, if grace were the only title to power, it would follow that no claim to such power would be certain. From this would arise incredible confusion and disturbance among men. And, in fact, none of their arguments lead to anything.

In explanation of the first text I say that by these words wicked kings were not condemned by God, but what is condemned is the fact that the Jews wished to have a king, when their king was God. For, as St. Jerome states, Osee explains³ the reasons why the people of Israel were given into captivity, and he says that one reason is that they wished to have a king, another, that they made idols for themselves.

Moreover, the fact that they sinned gravely in wishing to have

1—Sess. XVIII. and XV.

2—City of God, Book V., ch. 21.

3—ch. VIII.

a king is evident from 1 Kings,¹ where, after Saul had been raised to the throne, Samuel speaks to the people: "Now then stand, and see this great thing which the Lord will do in your sight. Is it not wheat harvest to-day? I will call upon the Lord and He will send thunder and rain: and you shall know and shall see that you yourselves have done a great evil in the sight of the Lord, in desiring a king over you."

In explanation of the second text, I say that political power is transferred from nation to nation on account of injustice, because God, on account of the sins of kings, often gives the victory to their enemies, but the right to rule is not lost by the mere fact of their having sinned.

In explanation of the third text, I say that it befits the mercy of God to do good even to his enemies, as we read in the Gospel, "Who maketh His sun to rise upon the good, and bad, and raineth upon the just and the unjust."² And He does not therefore approve the abuse. For He does not bestow kingdoms upon wicked men that they may abuse power, but either in order that, attracted by His goodness, they may be converted from their sins, as St. Jerome interprets Isaias, "Thus saith the Lord to my anointed Cyrus, I will go before thee, and will humble the great ones of the earth: I will break in pieces the gates of brass, and will burst the bars of iron. And I will give thee hidden treasures, and the concealed riches of secret places; that thou mayest know that I am the Lord, etc.,"³ or in order that He may reward some of their good deeds, as St. Augustine teaches,⁴ or, finally, because now and then the sins of the people deserved it, as the same St. Augustine teaches,⁵ interpreting Job, "Who maketh a man that is a hypocrite to reign for the sins of the people."⁶ But the same St. Augustine says⁷ that among infidels there can be no justice,⁸ nor laws, nor a true nation, or State,

1—ch. XII., 16, 17.

2—Matt. V., 45.

3—Isaias XLV., 1-3.

4—City of God, Book V., ch. 15.

5—Ibid., Book IV., ch. 19.

6—ch. XXXIV., 30.

7—Ibid., Book XIX., ch. 21.

8—According to St. Augustine, true justice cannot exist without the knowledge and worship of the true God. We think that it has not been sufficiently noted by Catholic students of ethics that neither the Greek nor the Roman had any strictly objective idea of justice. Their ethics resolves itself into either æsthetics or a purely pragmatic view

etc., but he calls that true justice and true law which leads to eternal life.¹

CHAPTER IX.

THE QUESTION OF THE EXTENT OF THE POWER OF MAGISTRATES IS PROPOSED

The third question follows: Is it lawful for a Christian magistrate to make laws, to give judgment, and to punish the wicked? Two errors must now be refuted. The first is that of the Waldensians and the Anabaptists, who deny all these points. They argue that obligation to obey laws destroys Christian liberty,² and that judgments are forbidden in, "If a man will contend with thee in judgment, and take away thy coat, let go thy cloak also unto him,"³ and, "Already indeed there is plainly a fault among you, that you have lawsuits one with another. Why do you not rather take wrong? Why do you not rather suffer yourselves to be defrauded?"⁴ Finally, capital punishment seems to be forbidden to Christians in, "It hath been said: An eye for an eye, and a tooth for a tooth. But I say to you not to resist evil."⁵ Moreover, it is evident that under the old law the infliction of the *pœna talionis* was permitted only to

of law. The Fathers, especially Lactantius and St. Augustine, sensed the discrepancy. The historical fact, however, which they thus noted was lost sight of in the Middle Ages, and many followers of St. Augustine took his meaning to be that there could be no real justice outside the Church and apart from grace. With the revival of Aristotle, and especially in the teaching of St. Thomas, the natural basis of society and of the State is fully recognized. But even St. Thomas would seem to have assumed that the ancients had a more definite idea of justice than was actually the case.

1—In Julian., Book V., ch. 3.

2—That which the Protestant assumed to be Christian liberty is definitely stated by Milton in his *Treatise of Civil Power in Ecclesiastical Causes*: "I here mean by conscience or religion that full persuasion whereby we are assured, that our belief and practice, as far as we are able to apprehend and probably make appear, is according to the Will of God and His Holy Spirit within us, which we ought to follow much rather than any law of man, as not only His Word everywhere bids us, but the very dictate of reason tells us."

For Milton's definition of reason and the contemporary Protestant view of Christian liberty as stated by Bryce, see ante, p. 12, note 2.

3—Matt. V., 40.

4—1 Cor. VI., 7.

5—Matt. V., 38, 39.

magistrates, therefore, Christ forbids this very thing, and He also says, "All those who take the sword shall perish with the sword."¹

The second error is that of Calvin, who, although he re-proves against the Anabaptists that there should be in the Church civil laws, judgments, and military power,² nevertheless states that civil laws are not binding in conscience;³ which had been taught before him by Jean Gerson⁴ and Almain.⁵ These are their reasons:

First, because political power is temporal, it has, therefore, nothing to do with conscience. Second, because the end of civil laws is external peace. Third, because the ruler does not judge interior things. Fourth, because the ruler cannot inflict a spiritual penalty, he cannot therefore impose the obligation.

Fifth, because a ruler cannot absolve, therefore he cannot bind. Sixth, because the same sin would be punished twice, once here, and once in the next world. Seventh, because most rulers do not intend to bind under pain of sin. Eighth, because we ought rather to break a most important civil law than a most unimportant Divine law, as that of not deceiving where it would affect the common good; but this latter obliges only under pain of venial sin, therefore the former does not oblige at all; for if it obliged under pain of sin, especially of mortal sin, it would be our duty to avoid mortal sin rather than venial.

CHAPTER X.

IT IS LAWFUL FOR A CHRISTIAN RULER TO MAKE LAWS

First proposition: Now against these errors this will be our first thesis: It is lawful for a Christian ruler to make laws. It is proved; for the primary duty of a ruler is to make laws, according to the words, "By Me kings reign, and law-givers decree just things."⁶

1—Matt. XXVI., 52.

2—Institutes, Book IV., ch. 20.

3—Institutes, Book IV., ch. 10.

4—De Vita Spirituale, lect. 4.

5—De Potestate Ecclesiastica, Q. I., c. 10.

6—Prov. VIII., 15.

And, "The Lord is our King, the Lord is our Law-giver." ¹ For the duty of a king is to give orders, and to direct affairs by commanding. Besides, law itself is command and rule, therefore, if Christians can be rulers, they can certainly make laws, and this is confirmed by St. Augustine: "The heavenly city," says he, "leads, as it were, a captive life of exile while on earth, and having accepted the promise of redemption and the spiritual gift as a pledge, does not hesitate to obey the laws of the earthly city, by which those things are carried on which are necessary for sustaining earthly life." ² And below, "Therefore, this heavenly city, while it wanders in exile on earth, calls its citizens from all nations, and summons its wandering band in every tongue, not caring how those by whom the earthly peace is established and maintained differ in customs, laws and institutions, not annulling or destroying any, but preserving and following them."

Secondly, our thesis is proved by the necessity of civil laws, for Christians, by the mere fact that they are Christians, do not cease to be men and citizens, and hence members of a temporal State, therefore they should have for their human acts some rule by which they may be guided in their business relations and customary intercourse with other men; moreover, the natural law is not sufficient, for it gives only general principles, and does not come down to particular cases; even the law of the Church is not sufficient, since it is concerned only with Divine and heavenly things, as is known, while the Divine political law of the Old Testament has now been abrogated, since it was suitable only for that one people, the Jews, and for their condition; therefore, some other human rule is necessary, the will, surely, of the ruler, or some law drawn up by the authority of the ruler. And although the will of the ruler suffices to some degree when the ruler is wise and the nation is small, yet it is absolutely necessary that the nation, if it is to be ruled rightly, must be ruled by laws, not merely by the will of the ruler. It is clear that in the meantime the will of the ruler suffices, since kingdoms are older than laws. Justinus says that formerly it was customary for the people to be governed by the will of the ruler, with-

¹—Isaias XXXIII., 22.

²—City of God, Book XIX., ch. 17.

out any laws;¹ and from Livy, it is plain that the Republic of Rome was governed for three hundred years without any laws.²

Finally, the first law-giver is either Moses, as Josephus claims³ against Appio, or certainly Pharoneus, who lived three hundred years before Moses, as Eusebius,⁴ and St. Augustine⁵ teach. But before the time of Pharoneus, the Kingdoms of Assyria, of Greece, of Egypt, and others, were founded. Moreover, Aristotle states⁶ that it is better for a people to be ruled by laws than solely by the will of the ruler, and, indeed, that this is to a certain extent necessary. And this is proved, first, because it is easier to find one or two good and wise men, than to find many. If the State is to be ruled by the will of a wise prince, this would require an infinite number of good princes, one in succession to the other, but if it is ruled by laws, it is sufficient that there should have been at some time a few wise men, or even one wise man, to make the law.

Secondly, those who make laws are many, and they consider the laws carefully; but the ruler is only one, and frequently has to judge without due consideration.

Thirdly, those who made the laws did so without love or hatred, for they passed judgment concerning things remote from themselves. A ruler judges of present matters in which friends, relations, gifts, fears, etc., have an influence. Hence, judgment by law is the judgment of reason alone; the judgment of a man is a judgment of reason and passion, that is, of the man and of the beast.

Fourthly, even if the decision of a ruler be most upright, it is scarcely ever free from suspicion, envy, complaints, and abusive words; but decision by law is free from all these, because, indeed, it is known that the law cannot be corrupted by bribes.

Fifthly, legal decisions can remain the same for a long time, but the judgments of men are often changed.

Sixthly, government by law can be reduced to a system and the more easily carried out; not so with government according to the will of a man.

1—History, Book I.

2—Book III.

3—Book II.

4—Chron.

5—City of God, Book XVIII., c. 3.

6—Book III., ch. 11.

Seventhly, it is better for a ruler to govern personally than by deputies, but government without laws necessarily requires many deputies, who are all to judge according to the will of the ruler; but when a nation is governed by laws, the ruler is held to judge all cases personally, since judgments are given according to his laws.

The third thesis is proved. For if it were not lawful for a Christian ruler to bind the people by law, it would be because of Christian liberty. But this cannot be said, for so far is law from opposing Christian liberty that it rather opposes the slavery contrary to that liberty, as may be shown from the very nature of Christian liberty; for Christian liberty is opposed to the servitude of sin. "Amen, amen, I say unto you: that whosoever committeth sin is the servant of sin. Now the servant abideth not in the house forever; but the son abideth forever. If, therefore, the son shall make you free, you shall be free indeed." ¹ And, "Being then freed from sin, we have been made servants of justice." ² But this justification from sin is said to be a certain liberty, for he who is in sin cannot, until he is freed by grace, will that good which is ordained for eternal life; he has, indeed, free will, since he can choose one evil from among many, and he can even choose moral good, but he cannot choose salutary good unless he at least begins to be freed by the preventing grace of God, since he is held captive by the Devil according to his will, as it is written.³ But free will liberated by grace can both will and accomplish salutary good. But this liberty was greater in the state of innocence, since then man could not will any evil, which now even just men cannot do; but it will be greatest in heaven, where we shall not be able to will any evil.

And so there is a triple gradation of liberty, just as there is a triple gradation of bodily life. The first is that of the Blessed, who, as they will be able so to live that they cannot die, they will be able so to act that they cannot sin.

The second was the liberty of Adam and Eve in the state of innocence, who, as they were able so to live that they could never die, so they also were able to act so well that they also could never sin.

1—John VIII., 34-36.

2—Rom. VI., 18.

3—Tim. II.

The third is our own liberty, and we are not able so to live that we can never die, and we are not able to act so uprightly that we are capable of refraining from sin, at least from venial sin. Below these three grades there is no fourth, except not to live, and not to act rightly, which state is that of the damned.¹ Since, therefore, liberty consists in this, that we can choose good and reject evil, it is plain that law is not opposed to liberty; for it is no hindrance that we cannot so easily choose good and reject evil, but, on the contrary, this rather aids, since it affords opportunity for exercising liberty.² But the law may be properly said to be opposed to slavery, since it cannot be fulfilled by the slave of sin. Hence, St. Paul says, "Do we, then, destroy the law through faith? God forbid: but we establish the law."³

This same thesis may be proved in a second way. Divine law is not opposed to liberty, therefore neither is human law. The antecedent is clear, for Adam was created free, and yet a law was imposed on him that he should not eat of the tree of the knowledge of good and evil.⁴ The consequent is proved, for the Divine law and the human law, as far as the obligation of obeying them is concerned, are in every respect equal, as will be explained in the next chapter.

CHAPTER XI.

THE CIVIL LAW IS NO LESS BINDING IN CONSCIENCE THAN THE DIVINE LAW

Second proposition: The civil law is no less binding in conscience than the Divine law, even though the former is less fixed and stable than the latter. I will explain. The Divine law differs from the human law as to stability, since the Divine cannot be set aside by

1—See St. Augustine, *De Correptione et Gratia*, ch. 2.

2—Burke says in the *Reflections on the French Revolution*: "Every sort of moral, every sort of civil, every sort of politic institution, aiding the rational and natural ties that connect the human understanding and affections to the Divine, are not more than necessary, in order to build up that wonderful structure, Man; whose prerogative it is, to be in a great degree a creature of his own making; and who, when made as he ought to be made, is destined to hold no trivial place in the creation."

3—Rom. III., 31.

4—Gen. III.

man, and the human can; but as to obligation they do not differ, for each obliges in conscience, under pain of either mortal or venial sin, according to the gravity of the case, so that there is no better rule for discovering whether a human law binds under pain of mortal or of venial sin, than to suppose that law to be Divine, and to see in what way the Divine law would oblige.

First, it is proved, because obligation is the essence or proper characteristic of law as was said in *De Pontifice*,¹ therefore, all law, whether made by God, by an angel, or by man, and if by man, whether bishop, king, or father, binds with an equal obligation. The consequent is proved in like manner; for since it is of man's essence to be rational, and hence his proper characteristic is risibility, every man is rational and capable of laughter, whether he be created by God alone, as Adam, or by God from another human being, as Eve, or born of human parents, as Cain. The antecedent is evident, for law is the rule of conduct. But the intrinsic property of rules is so to direct that to break a rule is a sin against good conduct; just as a departure from the law of nature is said to be a sin of nature, as are monsters, so a departure from the rule of art is a sin against art.

Here it should be noted that just as other things depend upon a cause as regards their existence, but not as regards their essence, for essences are eternal, since they are certain possible participations of the Divine Essence, so also law depends for its existence on the legislator; for it will not be law unless it is promulgated by him who has authority; but it does not depend on him as regards its essence; for the binding force of the law is that in it which is eternal and immutable and a certain participation of the eternal law of God, which is the first and highest rule, and this seems to be what St. Augustine meant when he says: "Sin is a word or a deed or a desire against the eternal law of God."² For he who disobeys a law, whether natural or political, whether Divine or human, sins against the eternal law, since all law is a participation of the eternal law.³

And although it cannot happen that any true law is not from God, since a law cannot be made except by one with authority, and

1—Book IV., ch. 16.

2—*Contra Faustum*, Book XXII., ch. 27.

3—All men being equal specifically, the reason for submitting to law can never be the mere will of man. (See ante, p. 38, note 1.)

there is no authority except from God,¹ yet if (by an impossibility) there were a law not from God, it would still oblige under pain of sin, just as if (by an impossibility) a man not made by God were to exist, he would still be rational.²

It is proved, secondly, for if a law were to oblige solely because it is Divine, then all Divine laws would oblige equally, as is evident, for the reason for obligation would be the same in all. But this is false, for the law "Thou shalt not kill," obliges more seriously than the law "Thou shalt not steal," and the law "Thou shalt not steal" than the law "Thou shalt not lie," and the law "Thou shalt not lie" than the law "Thou shalt not speak a careless word."

Besides, thirdly, obviously that Divine law obliges more gravely whose infraction is more against the end of the law, that is, charity; therefore it is worse to kill than to steal, since it is more against charity; and therefore it is a mortal sin to tell a harmful lie, but a venial sin to tell a helpful one, for the former is against charity, but the latter, truly, is apart from charity; but the human law also has charity as its end, and ordains means to this end, for what St. Paul says, "The end of the commandment is charity,"³ may be understood of every command; and it is clear, since the civil law is just, that it is always either the conclusion or the moral determination of Divine law; therefore they have the same end, and seem to differ only in this, that human law directs human acts in relation to external acts of love, that is, to the peace and preservation of the State. But the Divine law directs also in relation to internal acts of charity; therefore, there is the same principle in both Divine and human law, so far as obligation is concerned.

But you will object, if the gravity of sin arises from the nature of the thing and from the relation to charity, laws are superfluous. For the commandment binds us equally before and after the law, to flee that which of its very nature wounds charity, and to do that which is necessary to preserve charity.

1—Rom. XIII.

2—What Bellarmine is stressing here is the natural basis of right conduct as against the extreme and implicitly Manichæan supernaturalism of the Reformers. But he is wrong in assuming that there could be any moral necessity or obligation if we prescind from the Divine Essence and Will. (See *State and Church*, p. 143, 144.)

3—1 Tim. I., 5.

I answer that I deny the consequent, for if there is no law commanding or prohibiting something for everybody, many actions which are evil in one man will not be evil in others. For example, if there be no law prohibiting the carrying of weapons, the carrying of weapons will be evil for him who is easily provoked to anger, and who has enemies whom he desires to kill; but it will not be evil for a peaceable man, who only desires to defend himself; yet, if the law forbids it, then it is evil for all, for the law should not consider what is good or evil for this one or that one, but what will profit or harm the State.

In addition, many things are necessary or harmful to the common good, which, nevertheless, are neither good nor bad for any one in particular, unless they are commanded or prohibited by law. For example, tribute is necessary for a king, yet, if there be no law, it is not necessary for me to pay it, for what I pay profits the king little, and it is not my business to look out for the needs of the State, and so might all say. Similarly, it is harmful for the State for gold to be exported from the province, yet it is not very harmful for me alone to export my gold, and so might all say. Law, therefore, is necessary which commands and prohibits to all in general what is for the common welfare.

Fourthly, positive Divine law, therefore, obliges under pain of sin, for it makes that act which it commands an act of virtue, which formerly it was not; for if a Jew, not from contempt, but from a desire for food, had eaten in moderation the flesh of swine prohibited by the law, without doubt he would have sinned; however, he would not have sinned against obedience, since he did not act from contempt, therefore, he would have sinned against temperance; but to eat the flesh of swine in moderation is not in itself against temperance, but, as it were, an indifferent act, therefore there was a law which made that abstinence a necessary act of temperance. And we see this same thing in human law; for the Divine law makes that to be an act of virtue which in itself was indifferent for no other reason than that it is a rule of conduct promulgated by Him Who has authority to command. But man also can command, and can make rules of conduct, as we have shown above. Therefore man can, by law, determine the nature of an act, indifferent in itself, to be an act

of virtue, hence the Divine law and the human law are equal as to obligation.

Fifthly, the Divine law and the human law differ in the same way as the law of a king and his viceroy, or the law of the Pontiff and of his legate. But these oblige in the same manner, and differ only in strength, therefore, so do the Divine law and the human law. The proposition is evident, because the Scriptures testify in various places that kings are the ministers of God, and hold their authority from Him, and judge in His place.¹ The assumption is also evident, for the authority of the viceroy is from the king, and that of the legate from the Pope; and experience bears witness to the same thing, and it is confirmed by the holy Fathers Augustine and Bernard. Augustine says,² "When the father commands that which is not contrary to the law of God, he is to be heard as though he were God, etc." Moreover, it is certain that the authority of a king is greater than that of a father, as the same St. Augustine says.³ St. Bernard says, "Whether God or a man, the vicar of God, gives some command, certainly both must be submitted to with equal care, obeyed with equal reverence, provided, however, that the man commands nothing contrary to the law of God."⁴ Here he clearly states that laws differ in regard to matter, but not in regard to those commanding.

But you may object to this, for St. Bernard, speaking in the same place of the commands of men, says, "Commands are not disregarded without blame, are not despised without sin, for culpable neglect and contempt are everywhere to be condemned;" here he seems to say that human law never binds under pain of mortal sin except by reason of contempt.

I answer that he is speaking of commands concerning light matters, for in such there can be no grave sin except by reason of contempt. For not even prelates can arbitrarily bind under pain of mortal sin.

Sixthly, it is proved, since this seems to imply a contradiction, namely, that rulers can bind with a penalty, and not in conscience, in-

1—Prov. VIII., Wis. VI., Rom. XIII., 1 Peter II.

2—In Ps. 70.

3—De Verbis Domini, sermo 6.

4—Tract. de præcept. et de dispensat.

asmuch as fault and punishment are correlative. And St. Augustine says, "All punishment, if just, is a punishment of sin."¹ And he asserts² that God Himself would be unjust if He condemned an innocent man. How, then, can rulers condemn to death those who break their laws, if these latter have committed no sin, if they have incurred no blame in conscience?

You will say, "How, then, can some of the rules of religious bind penally and not in conscience?" I answer that they do not bind in the manner of law, but in the manner of agreement and contract, as do purely penal laws. Nor is that law properly penal, but the infliction of punishment is to be taken as a spiritual help.

Seventhly and last, from the doctrine of the Apostles, for St. Paul asserts³ this in many ways; first, when he says, "Let every soul be subject to higher powers: for there is no power but from God." Secondly, when he says, "He that resisteth the power resisteth the ordinance of God." Thirdly, when he says, "And they that resist purchase to themselves damnation." Both the Greek and the Latin Fathers interpret this passage as referring to eternal damnation. Fourthly, when he says, "Wherefore be subject of necessity;" fifthly, when he says, "not only for wrath, but also for conscience' sake." Sixthly, when he says, "For they are the ministers of God." And St. Peter says, "Be ye subject . . . for God's sake,"⁴ that is, not merely through fear of punishment. These passages show sufficiently what we have in mind: for if rulers have their authority to rule from God, certainly those who do not obey them offend not only the rulers, but also God; and those who resist the ruler resist the ordinance of God; certainly they sin in conscience just as if they were to violate Divine laws. And if those who resist "purchase for themselves damnation," certainly they commit a fault deserving of that punishment. And if individuals are of necessity subject to rulers not only because of their wrath, but also because of conscience, how is it they do not sin in conscience who do not obey these rulers? Finally, if rulers are ministers of God and are to be obeyed on His account, undoubtedly they

1—Retract., Book I., ch. 9.

2—Epis. 105 and elsewhere.

3—Rom. XIII.

4—1 Peter II., 13.

despise the majesty of God who despise the commands of the rulers. So much for the arguments against us.

In answer to the contrary arguments: To the first, second, and third I answer from this fact, that since political power is temporal, and its end is exterior peace, and man does not judge of internal things, it is rightly concluded that this temporal power cannot oblige except to temporal and exterior acts; moreover, it cannot bind in conscience; for even if that rule directs exterior acts, yet, since it is a rule, to deviate from it is a sin.

You may say, how can law, or temporal power, produce a spiritual effect, that is, bind in conscience? I answer, that granted that political power and law are called temporal by reason of their object, since they are concerned with temporal and exterior affairs, yet in themselves they are spiritual. Besides, to bind in conscience is not to produce some spiritual effect, but only to command another, and so to command that if he does not obey, he sins, and the witness of his own conscience knows, or at least is capable of knowing, that he sins. And so whoever can command can bind in conscience, even if he does not judge of internal matters, and does not examine the conscience of another.

In answer to the fourth and fifth arguments I say: A ruler cannot inflict eternal and spiritual punishment, nor can he remit a penalty of this sort; yet he can oblige with this penalty, since he does this with the authority of God, Who grants him the one power, and not the other; just as if a king would allow his viceregent to bind his subjects under capital punishment, and yet he would not allow him to exercise justice of himself, or to pardon a suppliant. Or it should be said that political power binds under penalty of eternal punishment not because it is the law of a man, but because it is the law of a minister of God. For he who offends a minister of God at the same time also offends God Himself; therefore if (by an impossibility) God were not manifest in the nature of things, and yet some political law (likewise by an impossibility) were to exist, that law would oblige in conscience, and to disobey it would be a sin, but no spiritual penalty or eternal damnation would befall the one who disobeyed.¹

¹—See ante, p. 47, note 1.

In answer to the sixth argument I say that it is not absurd that the same sin should be punished by many, and in many places, when many offend, just as we see that often the hand of a murderer is cut off in that place where he committed the murder, and then his head is cut off in the place of public executions.

To the seventh I answer that it depends on the intention of the legislator, whether he wishes truly to command and to make a true law, or, indeed, only to indicate what ought to be done, without any command; but if he wishes to command in earnest, and to make a real law, there is nothing in the nature of his power to prevent the law from obliging under pain of sin, either mortal or venial, according to the gravity of the matter.

To the last I answer that the reason that human law yields to Divine law when they cannot both be obeyed at the same time, is not that human law does not bind under pain of sin, but that the foundation of human law is less firm; for in such case it ceases to be law, and hence also to bind.¹

CHAPTER XII.

TO EXERCISE PUBLIC TRIALS IS NOT UNLAWFUL FOR CHRISTIANS

Third proposition: The exercise of public trials is not unlawful for Christians. It is proved, first, because it is the property of rulers to judge. For the Scriptures are accustomed in general to unite the office of king and of judge. "And now let the kings understand, let those be instructed who judge the earth."² "The Lord is our King, the Lord our Law-giver, the Lord our Judge."³ "The king will rule, and he will be wise, and he will give judgment and justice upon the earth."⁴ If, then, it is lawful for Christians to have a ruler, why not a judge also?

1—See what we have said in Bk. IV., *De Pontifice*; and, in addition, John Driedo, in Bk. III. on Christian liberty; Adrian in various places of Bk. VI.; Francis Vittoria in his treatise on civil power; Alphonse à Castro, Bk. I., on the extent of the power of penal law, ch. 4, and Dominic à Soto, Bk. I., q. 6, art. 4, on justice and law.

2—Ps. 2.

3—Isaias XXXIII.

4—Jeremias XXIII.

Secondly, because laws would have no potency, if there ought to be no judgments; but laws should not be abolished, as has been shown above, therefore, neither should judgments.

Thirdly, the Sacred Writings of both Testaments permit judgments, for we read as follows, "You shall place judges and magistrates at all your gates, that they may judge the people with a just judgment."¹ "If, therefore, you have judgments of things pertaining to this world, set them to judge, who are the most despised in the Church. . . . Is it not so that there is not among you any one wise man, that is able to judge between his brethren?"² Here St. Paul advises the Corinthians to judge among themselves those cases which did not of necessity have to be brought before the tribunals of the Gentiles.

Nor will it be hard to answer the argument which was brought forward at the beginning. Hence, according to that statement, "And if a man will contend with thee in judgment, and take away thy coat, let go thy cloak also unto him."³ I answer with St. Augustine,⁴ that that statement should only be understood according to readiness of spirit; for in the same passage Our Lord says, "If one strike thee on thy right cheek, turn to him also the other."⁵ And yet when Our Lord Himself was struck on the cheek, He did not turn the other, but said, "Why strikest thou Me?"⁶ By this example He taught in what sense the precepts are to be understood.

To the words of St. Paul, "There is a fault among you, etc.,"⁷ I say first, that the word "*delictum*" is in Greek *ἥττημα*, which does not signify sin, but imperfection, and thus Theodoret explains it. I say, secondly, if "*delictum*" means sin, as St. Chrysostom and St. Ambrose interpret it here, and St. Augustine in his *Enchiridion*,⁸ I say, I repeat, it is called "*delictum*" not because it is in itself sin, but because it is generally accidentally sinful, either by reason of the end, as when a lawsuit is begun from avarice; or by reason of

1—Deut. XVI., 18.

2—1 Cor. V., VI.

3—Matt. V., 40.

4—Epis. 5, to Marcellinus.

5—Matt. V., 39.

6—John XVIII.

7—1 Cor. VI., 7.

8—ch. 78. Also Bk. II. on Our Lord's Sermon on the Mount, ch. 15, and Sermon 24 on Ps. 118.

the manner, as when the case is tried in the spirit of hatred, of ill-will, of dispute; or by reason of injustice, as when trickery and fraud enter in; or by reason of bad example, as happened in the case of the Corinthians, who were going to law to the scandal of the pagans. I say, thirdly, that judgments are not to be condemned because of the judge, but because of the contestants. And so, even if it were a sin to go to law, nevertheless it would not be a sin to judge, for judgments put an end to controversies, which is a good thing.

CHAPTER XIII.

IT IS LAWFUL FOR A CHRISTIAN MAGISTRATE TO PUNISH DISTURBERS OF THE STATE WITH DEATH

Fourth proposition: It is lawful for a Christian magistrate to punish with death disturbers of the public peace. It is proved, first, from the Scriptures, for in the law of nature, of Moses, and of the Gospels, we have precepts and examples of this. For God says, "Whosoever shall shed man's blood, his blood shall be shed."¹ These words cannot utter a prophecy, since a prophecy of this sort would often be false, but a decree and a precept. Hence in the Chaldaic paraphrase it is rendered, "Whosoever sheds blood before witnesses, his blood shall be shed by sentence of the judge." And Judas says, "Bring her out that she may be burnt."² Here the patriarch Judas, as head of a family, condemned an adulteress to death by fire.

In the law of Moses there are many precepts and examples. "He that striketh a man with a will to kill him, shall be put to death."³ And Moses himself, Josue, Samuel, David, Elias, and many other very holy men put many to death. And as for "All that take the sword shall perish with the sword,"⁴ these words cannot be rightly understood except in this sense: Every one who commits an unjust murder ought in turn to be condemned to death by the magis-

1—Gen. IX., 6.

2—Gen. XXXVIII., 24

3—Exod. XXI., 12.

4—Matt. XXVI., 52.

trate. For Our Lord rebuked Peter not because a just defense is unlawful, but because he wished not so much to defend himself or Our Lord, as to avenge the injury done to Our Lord, although he himself had no official authority, as St. Augustine correctly explains,¹ and St. Cyril also.² Besides, "If thou do that which is evil, fear: for he beareth not the sword in vain. For he is God's minister."³ St. Paul says that the sword is given by God to rulers to punish evil-doers, therefore, if like men are found in the Church, why may they not be put to death?

Secondly, it is proved from the testimony of the Fathers. Innocent I., being asked whether it was lawful for a magistrate who had been baptized, to punish by death, answered that it was entirely lawful.⁴ St. Hilary says that it is certainly lawful to kill in two cases, if a man is fulfilling the duty of a judge, or if he is using a weapon in his own defense.⁵ St. Jerome says, "To punish murderers, and sacrilegious men, and poisoners is not a shedding of blood, but the administration of law."⁶ St. Augustine, "Those who, endowed with the character of public authority, punish criminals by death, do not violate that commandment which says, Thou shalt not kill."⁷

Lastly, it is proved from reason; for it is the duty of a good ruler, to whom has been entrusted the care of the common good, to prevent those members which exist for the sake of the whole from injuring it, and therefore if he cannot preserve all the members in unity, he ought rather to cut off one than to allow the common good to be destroyed; just as the farmer cuts off branches and twigs which are injuring the vine or the tree, and a doctor amputates limbs which might injure the whole body.

To the argument of the Anabaptists from "An eye for an eye, etc.,"⁸ there are two solutions. One, that the Old Law, since it was given to imperfect men, allowed the seeking for revenge, and only forbade that the retaliation be greater than the injury; not that it is

1—Treatise 112 on St. John.

2—Bk. II. on St. John, ch. 35.

3—Rom. XIII., 4.

4—Epis. 3, to Exuperius, ch. 3.

5—Canon 32 on Matt. XXVI.

6—Commentary on Jeremias, ch. 22.

7—City of God, Bk. I., ch. 21.

8—Matt. V., 38.

lawful to seek revenge, but because it is less evil to seek it in moderation than inordinately; besides, Christ, Who instructed more perfect men, recalled this permission. Thus says St. Augustine,¹ and St. Chrysostom and St. Hilary are of the same opinion regarding this passage; but since retaliation is prohibited, "Seek not revenge,"² and, we read, "He that seeketh to revenge himself, shall find vengeance from the Lord,"³ we shall, indeed, reply correctly with St. Thomas and St. Bonaventure and some others, in their commentary on the third Sentence of Peter Lombard,⁴ when Our Lord says: "You have heard that it hath been said of old, an eye for an eye, etc.," He does not condemn that law, nor forbid a magistrate to inflict the *pæna talionis*, but He condemns the perverse interpretation of the Pharisees, and forbids in private citizens the desire for and the seeking of vengeance. For God promulgates the holy law that the magistrate may punish the wicked by the *pæna talionis*;⁵ whence the Pharisees infer that it is lawful for private citizens to seek vengeance; just as from the fact that the law said, "Thou shalt love thy friend," they infer that it is lawful to hate enemies; but Christ teaches that these are misinterpretations of the law, and that we should love even our enemies and not resist evil, but rather that we should be prepared, if necessary, to turn the other cheek to him who strikes one cheek. And that Our Lord was speaking to private citizens is clear from what follows. For Our Lord speaks thus: "But I say to you not to resist evil, but if one strike thee on thy right cheek, etc."

But it should be observed that when He says, "not to resist evil," just defense is not prohibited, but retaliation; for Christ commands not to strike him who strikes you, as Theophylactus rightly teaches. But he is said to strike who strikes to injure, not he who strikes to protect himself; and, briefly, revenge, not defense, is forbidden, according to "Revenge not yourselves, my dearly beloved,"⁶ that is, not avenging yourselves. For thus it is in the Greek *εκδικούντες*, whence it goes on to say: "But set aside wrath, for it is written:

1—Bk. I. on Our Lord's Sermon on the Mount, ch. 35, and Against Adimantus, ch. 8.

2—Levit. XIX.

3—Ecclus. XXVIII., 1.

4—Distinct. 30.

5—Exod. XXI., and Levit. XXIV.

6—Rom. XXII., 19.

Vengeance is Mine, I will repay." But neither is revenge forbidden absolutely, if, indeed, it is sought from a lawful judge and for a good end, either because there is hope that the malefactor will be reformed by this punishment, or because his malice can be kept in check and restrained in no other way, and he will continue to do evil if he is allowed to go unpunished; therefore, what is forbidden is only that revenge which private citizens wish to take on their own account, and which they seek from a judge through the desire of harming an enemy, and of satisfying their own ill-will and hatred.

CHAPTER XIV.

IT IS LAWFUL FOR CHRISTIANS SOMETIMES TO MAKE WAR

There follows the fourth question, which is on war. This dispute is divided into three parts. For first it must be shown that war is sometimes lawful for Christians. Secondly, the causes of a just war must be explained. Thirdly, because of Luther, it will have to be proved that it is lawful for Christians to take up arms against the Turks.

But, that we may begin at the beginning, there was an old heresy of the Manichæans, who asserted that war was of its very nature unlawful, and therefore they accused Moses, Josue, David, and other Fathers of the old dispensation, who waged war, of being wicked men, as St. Augustine states.¹ Some have revived this heresy in our own time; and, first of all, Erasmus, in various places, but especially in his annotations,² in a lengthy argument contends that war is one of the evils that were tolerated, and permitted by God to the ancient Jews, but forbidden to Christians both by Christ and by the Apostles.

Moreover, Cornelius Agrippa, in his book on the emptiness of human knowledge,³ asserts that the practice of carrying on war is forbidden by Christ. John Ferus says the same in his commentary

1—Bk. XXII. against Faustus, ch. 74 et seq.

2—To Luke III. and XXII.

3—Ch. 79.

on St. Matthew,¹ "He who takes the sword shall perish with the sword."² The Anabaptists teach the same doctrine, as Melanchthon testifies.³ Alphonsus à Castro also attributes the same teaching to John Oecolampadius, under the heading *war*, which seems strange to me, since Zwingli, his colleague, approved of war to such an extent that he perished on the field of battle, and in like manner Calvin,⁴ and Melanchthon,⁵ and other heretics of this time, by word and by deed teach that war should be carried on.

But we, as the universal Church has always taught, both by word and by deed, say that war is not of its nature unlawful, and that it is lawful not only for Jews but also for Christians to carry on war, provided that those conditions of which we shall treat afterwards are fulfilled. This is proved by the testimony of the Scriptures, "These are the nations which the Lord left, that by them He might instruct Israel, and all that had not known the wars of the Chanaanites: That afterwards their children might learn to fight with their enemies, and to be trained up to war."⁶

These words certainly show not the permission, but the absolute Will of God. Likewise, "Thus saith the Lord of hosts: 'I have reckoned up all that Amalech hath done to Israel: how he opposed them in the way when they came up out of Egypt. Now therefore go, and smite Amalech, and utterly destroy all that he hath: spare him not, etc.'"⁷ Here also we see not a permission, but a command. And the Old Testament is filled with similar instances. Likewise, "And the soldiers also asked him, saying: And what shall we do? And he said to them: Do violence to no man, neither calumniate any man; and be content with your pay."⁸ The Anabaptists, according to Melanchthon, says that John permitted war to the Jews as imperfect men, but Christ taught far otherwise.

But on the contrary; for John was preparing the way of the Lord, therefore he should not have permitted that which Christ was

1—Bk. IV.

2—Ch. XXVI.

3—*Locis Theologicis*, chapter on the power of magistrates.

4—*Institutes*, Bk. IV., ch. 20.

5—Ibid.

6—Judges III., 1, 2.

7—1 Kings XV., 23.

8—Luke III., 14.

soon to set aside; for neither could the Jews avail themselves of that concession, since Christ was to come in that same year and forbid war, as our opponents themselves contend; and besides men might have thought that Christ and John did not agree together, which would have been most absurd.

Erasmus answers, on the contrary, that this command was given to the soldiers, not that, by keeping it, they might live well, but that they might live less evil lives, as Theophylactus would seem to explain.

But on the contrary; for John had previously said: "Bring forth fruits worthy of penance," and "Every tree that bringeth not forth good fruit, shall be cut down and cast into the fire." Then the repentant publicans and soldiers asked what was this good fruit which they ought to bring forth; therefore, either John deceived them, or soldiers can be saved if they observe those commands which John laid upon them.

As to Theophylactus, I make two answers. First, that he did not say that war was evil, but merely that John was exhorting the multitude, which was free from sin, to good works, that is, to the sharing of their goods with others; but the publicans and the soldiers, who were incapable of this degree of perfection and could not do works of supererogation, he urged to abandon sin. For Theophylactus thought that for the man who had two coats to give one to him who had none was a work of counsel and of supererogation, otherwise he would not have called the people to whom he was speaking free from sin, nor would he have distinguished this act as good rather than evil; for if it is a command not to keep two coats, to keep them is evil.

I say, secondly, that Theophylactus does not rightly interpret this passage, for he calls those people free from sin to whom John said, "Ye offspring of vipers," and "Bring forth fruits worthy of penance." And besides, to have two coats is to retain what is superfluous, as St. Jerome says,¹ but it is a sin to keep what is superfluous. Besides, Our Lord teaches that tribute should be paid to Cæsar;² but certainly tribute is not owed to kings unless they can pay soldiers

1—Question 1 to Hedibia.

2—Matt. XXII.

to defend the State, which St. Paul explains, "For therefore," says he, "also you pay tribute. For they are the ministers of God, serving unto this purpose,"¹ namely, that they may put to death disturbers of the public peace, for he had previously said, "For he beareth not the sword in vain. For he is God's minister, an avenger to execute wrath."²

Our proposition is proved secondly by the examples of the saints, who waged war; for if war were evil, certainly it would not have been waged by the saints. We read in the Old Testament that Abraham, Moses, Josue, Gideon, Samson, David, Josias, and the Maccabees waged war, thus earning great praise. In the New Testament, when the centurion said to Christ, "I have under me soldiers, and I say to this one, Go, and he goeth, etc.,"³ Our Lord praised his faith and did not command him to give up the military life. Moreover, Cornelius the centurion is called "a religious man and fearing God."⁴ And so he even merited to see an angel, nor, afterwards, when he was being taught the way of salvation by St. Peter, was he told to desert the military life.

Then, as Tertullian teaches,⁵ where he narrates the great miracle worked by Christian soldiers when they were waging war in Germany under Marcus Aurelius, after the Ascension of Christ into heaven there were in military life some Christians holy and pleasing to God, even under pagan rulers; these men certainly would not have been fighting if it were evil, nor, if they had been fighting in this circumstance, would they have been so pleasing to God that they could work miracles.⁶ St. Basil also teaches in his sermon in honor of the forty martyr soldiers that there were many saints in the camps of pagan Emperors; and St. Gregory Nazianzen teaches the same towards the middle of his first sermon against Julian.

Finally, it is evident that war was waged by Constantine, Theodosius, Valentinian, Charlemagne, St. Louis, King of France, St. Maurice with his Theban legion, and by other very saintly Chris-

1—Rom. XIII., 6.

2—Ibid., 4.

3—Matt. VIII., 9.

4—Acts X., 2.

5—Apologetics, ch. 5.

6—See the History of Eusebius, Bk. VIII., ch. 4, and Bk. IX., ch. 10.

tians, whom the holy bishops never reprovèd; nay, more, Theodosius asked the Abbot John for advice concerning the outcome of a war, as St. Augustine relates.¹

Our proposition is proved, thirdly, by the fact that God often aids just wars, which He certainly would not do if war were unlawful; for evils may be permitted, but aid may not also be given in carrying them out. It was said by Melchisidech to Abraham, when he had vanquished four kings with only 318 of his household: "Blessed be the most high God, by Whose protection the enemies are in thy hands."² In answer to the prayer of Moses, God gave the Jews the victory over Amalech.³ When Josue was fighting the sun stood still, and God rained great stones from the sky, and God slew more with hailstones than the sons of Israel slew with spears and swords.⁴ Angels in the likeness of horsemen fought for the Maccabees,⁵ and we read that God gives victory to those worthy of it, not according to the might of their arms, but as is pleasing to Him.⁶

Eusebius, in the life of Constantine, testifies that Constantine was victorious in war through the aid of God, through clearly proved miracles, and in his history,⁷ that St. John fought, and Theodoret testifies that St. Philip the Apostle fought openly with Theodosius against his enemies,⁸ and Socrates writes that angels fought against the Saracens for Theodosius II.⁹ St. Augustine writes, that the army of Honorius by a Divine miracle won a wonderful victory over the Goths.¹⁰ Numberless similar examples could be brought forward.

Our proposition is proved, fourthly, from reason. Granted that it is lawful for the State to protect its citizens from disturbers of its peace from within, by executing them with various forms of torture, then this is also lawful when there is no other possible way of de-

1—City of God, Bk. V., ch. 26.

2—Gen. XIV.

3—Exod. XVII.

4—Josue X.

5—2 Mac. X.

6—Ibid. XV.

7—Bk. IX., ch. 9.

8—History, Bk. V., ch. 24.

9—Bk. VII., ch. 18. For a similar example in the case of Clovis see Gregory of Tours, History of the Franks, Bk. II., ch. 30.

10—City of God, Bk. V., ch. 23.

fending those same citizens from external enemies; since, in order that the State may be preserved, it is necessary that all enemies, internal as well as external, may be kept off. And since this is the law of nature it is incredible that it should be set aside by the Gospel.

Lastly, our proposition is proved by the testimony of the Fathers. Tertullian says, "With you we are sailors, and soldiers, and farmers, and merchants." ¹ St. Gregory Nazianzen, in his sermon on peace, says, "Granted that there should be a reason for both states, seeing that following the law and authority of God, war, clearly, may sometimes be undertaken, only, however, as long as you grant that we should be more disposed to peace, for this is higher and more Divine."

St. John Chrysostom, in his sermon on the Gospel of the Marriage Feast,² says among other things, "You adorn the military state, and you say, I cannot be devout. Was not that centurion a soldier, and yet his military life did him no harm?"

St. Ambrose says, "Not to fight is a neglect of duty, but to fight for the sake of plunder is a sin," ³ And he numbers among the virtues courage in war, and he proves by many examples that it was not lacking in us.⁴ Likewise, in the sermon on the death of Theodosius, he earnestly commends Theodosius for his prowess in war.

St. Augustine says, "For if Christian discipline condemned all war, to soldiers seeking salvation it would rather have been said in the Gospel that they should lay down their arms and give up the military life altogether; but the advice given is, trouble no man, make no false accusation, be content with your pay." ⁵ He commands that their pay should suffice, but does not forbid them to follow a military life. And, he says, "Do not think that no man who serves as a soldier can be pleasing to God, etc." ⁶

St. Gregory says, "In this life the Lord of victories makes Your Excellency as a shining light before your enemies in war, and so it is necessary for Your Excellency to oppose the enemies of the

1—Apologetics, ch. 24.

2—John II.

3—Sermon VII.

4—De Officiis, Bk. I., ch. 40 and 41.

5—Epis. V. to Marcellinus.

6—Epis. 203 or 207 to Boniface. He teaches the same doctrine in Bk. XXII. against Faustus, ch. 74 et seq., and in Bk. VI. of the questions on Josue, q. 10.

Church with all your powers of mind and body, etc.,"¹ and, "If such great success in waging war had not come to Your Excellency as a reward of faith, through the grace of the Christian religion, there would be small reason for wonder, but when you have made provision for future victories (God granting) not by carnal wisdom, but rather by prayer, this becomes matter for surprise, that your glory comes not through earthly wisdom, but from the gift of God above."²

St. Gregory of Tours says, "Would, O kings, that you would fight battles as your fathers, that by your power you might curb the peoples included within your peace."³

St. Bernard says, "But, indeed, the soldiers of Christ fight without anxiety the battles of their Lord, fearing nothing, either sin because of the slaying of the enemy, or danger of being slain, seeing that death, whether endured or inflicted for Christ, both contains nothing wrong, and merits a high degree of glory."⁴

But, on the other hand, there are objections. First, from the Scriptures, and to begin, "Vengeance is Mine, I will repay."⁵ And, "Revenge not yourselves, my dearly beloved for it is written, Revenge is Mine, I will repay."⁶

I answer that the vengeance which public officers inflict is rightly called the vengeance of God, for they are the ministers of God, serving Him in this very matter. Hence St. Paul, after he had said, "Revenge is Mine, I will repay,"⁷ adds, "But if thou do that which is evil, fear; for he beareth not the sword in vain. For he is God's minister; an avenger to execute wrath upon him that doth evil."⁸

Then they add that passage from Isaias, "They shall turn their swords into ploughshares, and their spears into sickles: nation shall not lift up sword against nation, neither shall they be exercised any more to war."⁹ These things are predicted of the Christian era.

1—Epistles, Bk. I., ch. 72, to Gennadius.

2—Ibid., ch. 73.

3—History, Bk. V., ch. 1.

4—Sermon to soldiers, ch. 3.

5—Deut. XXXII.

6—Rom. XII., 19.

7—Ibid.

8—Ibid., XIII., 4.

9—II., 4.

I answer that in this passage is foretold only that perfect peace to come at the time when Christ was to be born, as St. Jerome explains, and we know that this prophecy was fulfilled in the reign of Augustus Cæsar. For the word *ultra* does not mean forever, but for a long time. Besides, even if this prophecy had not been fulfilled, nothing could be concluded from that; for Isaias does not forbid war, in case there is an enemy who troubles us, but he prophesies that there will be no enemies. Therefore, while there are enemies war may also be waged. For it can be said that it was predicted that the kingdom of Christ would be a peaceable kingdom, seeing that it is not of this world nor concerned with temporal affairs, and in this it is distinguished from the kingdom of the Jews, which was to be strengthened and preserved by war and slaughters.

Finally, they formulate an objection from those words, "If one strike thee on thy right cheek, turn to him also the other,"¹ and, "Love your enemies, do good to them that hate you."² And, "Who-soever taketh the sword shall perish with the sword."³ Words similar to these are found in St. Paul, "To no man rendering evil for evil,"⁴ "Revenge not yourselves, my dearly beloved, etc."⁵

I answer that, in times past, Julian the Apostate made the same objections against the Christians, as St. Gregory Nazianzen sets forth in the first sermon against Julian, toward the middle. But we say, first, that all these sayings, whether commands or counsels, were given to private individuals; for neither Our Lord nor St. Paul ever commanded a judge not to punish a man who had done injury to another, but Our Lord commanded each to bear patiently his own injuries; but war pertains to public justice, not to private revenge; and just as the love of enemies, to which all are obliged, does not hinder a judge or an executioner from fulfilling his duties, so it does not hinder soldiers and commanders from fulfilling theirs.

I say, moreover, that even to private individuals these were sometimes commands, sometimes counsels; they are always commands as regards readiness of spirit, so that thus a man is prepared to turn

1—Matt. V., 39.

2—Ibid. 44.

3—Matt. XXVI.

4—Rom. XII., 17.

5—Ibid. 19.

the other cheek, and to offer his coat, to one who demands his cloak, rather than to offend God; but we are commanded to fulfil it only in this case, when the necessity for God's honor exacts it, otherwise it is only a counsel, and sometimes not even a counsel, as when from the fact that I turn the other cheek no good follows, but my enemy sins a second time.¹

Secondly, there may be offered in objection three decrees of the Church. The first, where most severe penances are laid upon those who resume the military life once they have renounced it.²

The second is in a statement of St. Leo to Rusticus,³ and it is also contained in the Canon *Contrarium* on penance.⁴ "It is contrary to the laws of the Church," says St. Leo, "to resume the secular military life after doing penance." And below, "He is not free from the chains of the Devil, who wishes to bind himself to a secular military life."

The third is in that canonical distinction of St. Gregory, *Falsas*, where he says that those who are engaged in a career which cannot be carried on without sin are not capable of penance unless they renounce that career, and St. Gregory gives a soldier as an example.

I answer to the first objection that it is a question of those who for confessing their faith were deprived of their military status by Diocletian or by Licinius, and who afterwards sought to regain their rank, being prepared to deny their faith.⁵

To the second and third I say that it is a question of those who had committed many sins in the occasion of military life, and who were in need of penance. For those do evil if they return to military life, in which they have found by experience that they cannot live without sin, not from the badness of military life, but from their own wickedness, and then, indeed, they do wrong; particularly when commanded by the priest not to return to military life. And that those canons in reality do not absolutely forbid military life is clear from the end of the canon *Falsas*, where after it was said that those do

1—Thus answer St. Gregory Nazianzen, ut supra, and St. Augustine in Epis. 5, to Marcellinus.

2—Canon XI. of the Council of Nicæa.

3—Epis. 90.

4—Dist. 5.

5—See Zonara and Balsame on that canon, and Ruffinus, History, Bk. X., ch. 6, and what I have written concerning this matter in Bk. II., On the Counsels, ch. 8.

wrong who return to military life after doing penance, it is added, except on the advice of Bishops zealous for the defense of justice.

Thirdly, many passages from the Fathers are offered in objection by Erasmus, to which we add two, one from Tertullian, the other from St. Jerome. In his book, *On the Crown of a Soldier*, beyond the middle, Tertullian asks whether the military life is becoming for a Christian, and he answers: "Are we to believe that it is lawful for a human bond to be added to the Divine, and to serve another lord after having served Christ? Will it be lawful to take up the sword after Our Lord has said that he who takes the sword shall perish by the sword? And shall that son of peace, who cannot with propriety engage in a lawsuit, engage in battle?"

I answer that Tertullian does not condemn military life as evil in itself. This is evident, first, from the passages cited above.¹

Secondly, since in that book, *On the Crown of a Soldier*, he admits that those who were soldiers before baptism could remain soldiers even after baptism, and he teaches merely that he who is free should not adopt the military life after baptism: "Clearly," says he, "if faith afterwards comes to those who have already entered upon a military career, their condition is different from that of those whom John admitted to baptism, as those most faithful centurions, one of whom Christ commends, and the other St. Peter instructs, when he had received the faith and been baptized, he should either have given up his military life immediately, as was done by many, or else he should have taken care in every way lest he commit any sin against God."

Thirdly, it is clear, that the chief reasons which he gives why Christians should not follow a military career are on account of the danger of idolatry, since at that time nearly all the rulers were pagans. And so Tertullian judged war to be accidentally evil at that time: "Shall he keep watch," asks he, "over the temples which he has renounced? And shall he dine in that place which is displeasing to St. Paul? And shall he defend by night those demons whom he routed by exorcisms by day? And shall he also bear a standard opposed to that of Christ, etc.?" Besides, his other reasons offered above are only those of congruity, as is evident.

¹—Apologetics, ch. 5 and 42.

St. Jerome says, "Formerly it was said to warriors, Gird thy sword upon thy thigh, O most mighty one; now it is said to Peter: Put up thy sword into the scabbard, etc." ¹

I answer that he means that in the Old Testament wars were commanded by God, and were necessary for taking possession of and holding the land of promise; in the New Testament not war, but rather peace, is commanded, since military force is not necessary for winning the kingdom of heaven; yet it does not follow that Christians, as citizens of a temporal state, cannot wage war against those from whom they have received an injury.

Besides these, Erasmus offers in objection some of the other Fathers, and especially Origen, who says that Christ ended all wars;² and, explaining that passage in Luke, "And he that hath not, let him sell his coat, and buy a sword."³ He says that this passage is harmful to those who interpret it in a carnal sense, who truly think that a coat should be sold in order to buy a sword.⁴

I answer that in the preceding passage there is nothing in support of the position of Erasmus; for when Origen says that Christ ended all wars he does not mean that Christ forbade wars, but that His Providence brought universal peace to the world at the time of His birth; there is in this passage, on the other hand, that which contradicts Erasmus; for Origen says that by the Providence of God it was brought about that when Christ came the whole Roman Empire was in a state of subjection, since, if there had been many kings, many wars would have been necessary by which some might repel the assaults of others.

In a later passage, also, nothing is said against war; for we do not acknowledge that the words of Our Lord are to be interpreted thus stupidly, that each one ought of necessity to sell his coat and buy a sword, but only that, according to that way of speaking, Our Lord wished to explain that at the time of His Passion the Apostles would be in such great trouble and difficulty as are those who sell their coat and buy a sword to defend themselves.

1—Epis. to Ageruchia on monogamy.

2—Against Celsus, Bk. II.

3—XXII., 36.

4—Tract. 7 on St. Matthew.

But what is to be argued here against war? For since Our Lord in this passage did not command the Apostles really to buy swords, is it to be inferred that He therefore forbade war? Origen likewise says that the statement that carnal wars should not be waged by Christians means that Christian warfare under Christ as leader is not a carnal strife against men, as was the fighting of the Jews under Josue, but a spiritual combat against the Demons, yet it does not follow from this that it is not lawful for Christians, as citizens of a political State, to wage war.¹

In the same manner are answered those objections which Erasmus proposes from St. Chrysostom, St. Basil, and Theophylactus, taken from the *Catena* of St. Thomas on Luke,² for they teach merely that Our Lord did not command the Apostles really to buy swords.

Then he offers in objection St. Ambrose, who, explaining that passage, "And he that hath not, let him sell his coat, and buy a sword," says, "O Lord, why dost Thou command me to buy a sword, when Thou dost forbid me to kill? Why dost Thou command me to have what Thou dost forbid me to use? Unless, perchance, that provision may be had for defense, not that revenge is necessary; and that I may seem to have been ready, but unwilling to retaliate; yet the law does not forbid one to strike, and hence, perchance, to Peter offering two swords Thou sayest: It is enough, as if it were lawful up to the promulgation of the Gospel, that under the old law there might be discernment of justice, but under the Gospel the perfection of virtue."

I answer, first, that in this passage nothing is said concerning that war which is carried on by public authority, but it is a question of private defense or revenge. Second, I say that, according to the opinion of St. Ambrose, even private defense does not come under the prohibition of a command, but under the perfection of a counsel, as these words clearly show: "That under the old law there might be discernment of justice, but under the Gospel the perfection of virtue."

Erasmus also offers in objection a passage from St. Augustine, who, he says, contradicts himself, and if he undertook the defense of war in one place, yet in another he wrote against war; for he writes,

1—Sermon 15 on Josue.

2—XXII.

"We should not pray that our enemies may die, but that they may be converted,"¹ and he wrote many things against war,² indeed, he begs this same Marcellinus to punish the heretical Donatists without bloodshed.³

I answer that Erasmus seems to have thought he was talking to children; for what have these things to do with the question? For he condemns hatred of enemies, by reason of which some pray God for the death of their enemies.⁴ For who denies that it is wrong to hope for the death of an enemy because of desire for vengeance? Yet to hope for the death of an enemy and even to accomplish it according to the order of justice is not wrong, provided there be no hatred of the man, but only desire for justice and for the common welfare. Indeed, in his fifth epistle there is nothing against war, but rather much in favor of it, as we stated above, and I do not know what Erasmus was dreaming about. He begs the judge to spare the lives of those wretches who were being held captive, and who had confessed their guilt,⁵ a plea which the Bishops were at times accustomed to make, but what has this to do with war? Or does any one who begs that a robber shall not be hung consequently forbid war?

Erasmus also offers in objection the example of St. Martin, who, as Sulpicius relates in his Life, said to the Emperor Julian: "Let him who is about to fight accept your bounty. I am a Christian; it is not lawful for me to fight."

I answer that Erasmus does not recount the words of St. Martin with sufficient accuracy, for the latter does not say, "I am a Christian; it is not lawful for me to fight," but, "Thus far I have fought for you, now permit me to do battle for God. I am a soldier of Christ; it is not lawful for me to fight," by which words he did not mean that he was a Christian only, but also, by reason of his vow and resolution, a monk, which is the meaning of the words, "permit me to do battle for God," and, "I am a soldier of Christ." Whence Sulpicius had written a short time previously that St. Martin, after he had been baptized, still led a military life for two years, not be-

1—Commentary on Ps. 37.

2—Epis. 5 to Marcellinus.

3—Epis. 158 and elsewhere.

4—Commentary on Ps. 37.

5—Epis. 158.

cause he did not desire to renounce the world at once, but because the tribune of the soldiers, whose tent-mate he was, had promised that when his term of office expired he also would say farewell to the world, that is, that he would become a monk with St. Martin. And so he asserted that war was forbidden not to the Christian, but to the monk, since he himself, as a Christian, had followed the military life for two years.

Finally, Erasmus urges this, that the arms of the Church are the sword of the Word of God, the shield of faith, the helmet of salvation, the breast-plate of justice, and the javelins of prayer, as St. Paul teaches,¹ and therefore Christians ought not to fight with a sword and with weapons.

I answer, first, that St. Paul is not describing war against men but against demons, as is clear from that very passage, "For our wrestling is not, etc.," Second, I say that the principal arms of Christians are faith and prayer, but that arms of steel are not therefore unnecessary, for we read that through the prayer of Moses and the fighting of Josue the victory over Amalech was given by God to the Israelites,² and we know that the Maccabees fought with both prayer and arms, and St. Augustine writes to Boniface, "Take arms in your hands, let prayer assail the ears of God."³ And to the same Boniface he writes, "Some by praying for you fight against invisible enemies, you labor for them by fighting against visible barbarians."⁴

But, they say, war is opposed to peace, and peace is good and the effect of charity, therefore war is evil.

I answer that war is opposed to peace in this wise, that it may be also a means toward peace, but this is the difference between a just war and an unjust one, that an unjust war is opposed to a good peace and leads to an evil peace, and therefore such a war is harmful; but a just war is opposed to an evil peace and leads to a good peace, just as the wounds made by a surgeon are opposed to that evil and imperfect health which sick people have, but lead to good and perfect health as an end.

1—Ephes. VI.

2—Exod. XVII.

3—Epis. 194.

4—Epis. 205 or 207.

CHAPTER XV.

HOW MANY, AND WHAT, ARE THE CONDITIONS OF A JUST WAR

Those who treat of such matters usually enumerate four conditions of a just war, lawful authority, a just cause, a good intention, and a suitable method. But each must be discussed by itself.

The first condition, then, is lawful authority. For St. Augustine says, "The proper order among human beings, adapted to peace, demands this, that there be authority for undertaking a war and deliberation on the part of the leader, but the soldiers owe to common peace and safety the duty of carrying out orders."¹ And reason proves this; for private citizens, and those who have a superior, if they are injured by any one, can have recourse to the superior, and seek judgment from him. But if rulers suffer anything at the hands of another ruler, they have no common tribunal before which they may accuse the aggressor, and therefore it is lawful for them to oppose public wrongs by war.

Moreover, this authority for declaring war resides, according to common opinion, in all rulers, and in nations, who in temporal affairs have no superior, such as are all kings, likewise the Republic of Venice and similar States, and likewise some Dukes and Counts who are subject to no one in secular matters; not, however, those Dukes and Counts who are immediately subject to kings, for those who are subject to others are not in themselves heads of the State, but rather members. Note, nevertheless, that this authority is not requisite for defensive war, but only for offensive; for it is lawful for everyone to defend himself, whether he be a ruler or a private citizen, but to declare war, or to invade the territory of an enemy, is lawful only for the supreme head.

The second condition is a just cause; for war cannot be declared for any offense at all, but only for the purpose of warding off an injury. Thus St. Augustine says: "Just wars are usually defined as those in which injuries are avenged, when any nation or city which is to be attacked in war has either neglected to satisfy for what has

¹—Against Faustus, Bk. XXII., ch. 75.

been wickedly done by it, or to return what has been unjustly taken." ¹

The reason for this is that a ruler is the judge of his own subjects only, therefore he cannot punish any crimes committed by the subjects of others, but only those which happen to the harm of his own subjects; for even if he is not the ordinary judge of others, yet he is the defender of his own people, and by reason of this obligation it comes to pass that he is also to a certain extent the judge of those who do harm to his people, so that he can punish them with death.

Indeed, it should be observed that the cause of war should be neither trivial nor doubtful, but weighty and certain, lest, perchance, the war bring about more harm than the hoped-for-good, hence if there is any doubt a distinction must be made between the ruler and the soldiers, for the ruler himself sins, without doubt; for war is an act of retributive justice, but it is unjust to punish any one for a cause not yet proved; but the soldiers do not sin unless it is plainly evident that the war is unlawful, for subjects ought to obey their superior, nor should they criticize his commands, but they should rather suppose that their ruler has a good reason, unless they clearly know the contrary; just as when the offense of some particular individual is doubtful, the judge who condemns him sins, but not the executioner who carries out the sentence of death imposed on the condemned; for the executioner is not bound to criticize the sentence of the judge. So teaches Pope Boniface. "Whoever," says he, "carries out the orders of a judge seems to have done no wrong, since he is under the necessity of obeying." ² And St. Augustine says, "Thus it is that a just man, if perchance he is fighting under a wicked king, can justly fight under his orders, preserving the order of civic peace, provided he is certain that what he is commanded is not against the command of God, or even when it happens that he is not certain, so that while perhaps the wickedness of the command makes the king a criminal, the duty of obeying proves the soldier to be guiltless." ³

Note, however, that this is to be understood of soldiers who are bound to a prince who is waging war, namely, that they are his sub-

1—Q. 10 on Josue.

2—Sext on legal rules, Rule 25.

3—Against Faustus, Bk. XXII., ch. 75.

jects, and also of those who receive a regular salary from him even in times of peace, but not of those who come from another place when war is to be carried on; for these are not obliged to fight, nor can they take part in the war with a safe conscience unless they know the war is just; but those who give no thought to the matter, but are ready to fight whether the war is just or not, provided they are paid, are on the road to damnation.

The third condition is a good intention. For, since the end of war is peace and public tranquillity, it is not lawful to undertake war for any other end, hence those sin seriously, whether rulers or soldiers, who begin a war either to injure someone, or to extend their empire, or to show warlike prowess, or for any other cause than the common good, even if lawful authority and a just cause are not lacking. So St. Augustine, in the Epistle to Count Boniface, says, "The will should esteem peace, necessity only should bring about war, that God may deliver us from the necessity of war and preserve us in peace; for peace is not sought in order that war may be waged, but war is waged that peace may be attained. Be ye, therefore, desirous of peace even in war, so that those whom you are fighting may be brought by conquest to the unity of peace." ¹ And, "Desire of injuring, cruelty in avenging, an unpacified and implacable spirit, fierceness in renewing war, lust for power, and any similar faults, these are the things which are rightly condemned in war." ²

Two things, however, should be noted. First, since war is a sort of means to peace, but very hard and dangerous, therefore war should not be begun in haste, when there is cause, but peace should first be sought by some easier means, namely, by peacefully seeking the reparation due from the enemy. "If at any time thou come to fight against a city, thou shalt first offer it peace, etc." ³ And St. Augustine says, "The will should esteem peace, necessity only should bring about war." ⁴

But some one may ask, if the enemy at first is unwilling to make satisfaction, yet almost immediately after, when the war has been begun, seeks peace and offers reparation, whether in such a case his

1—Epis. 205 or 207.

2—Against Faustus, Bk. XXII.

3—Deut. XXII., 10.

4—Epis. 207 to Boniface.

opponent is bound to give up war. Cajetan, under the heading *Bellum*, says that he is not bound to give it up when the war has already been begun, although before it was begun he was bound to accept satisfaction. But (with due deference to any better opinion) it seems that we ought to say that he who has a just cause is never bound in justice to accept satisfaction, either before the beginning of the war or after; yet by reason of charity he is bound in both cases, unless something to the contrary intervenes. The reason for the first is that a ruler having just cause for war bears the character of judge with regard to the other ruler who has done him an injury, but a judge is not bound in justice to pardon a criminal from the death penalty, even if he offers satisfaction, although, if he is the supreme judge, he can pardon him out of mercy. For example, a king is not bound to spare the life of a thief who makes restitution, although he may do so through mercy. The reason for the latter is that war is a most severe infliction, by which not only he who has offended is punished, but incidentally many innocent persons are also involved. Therefore, Christian charity seems always to exact this, that the war should end when he who has done the injury offers the satisfaction due, unless by chance something has accidentally intervened, that is, unless the enemy against whom war is being waged be such that it is expedient for the common good either that he be made subject to another or that he be utterly destroyed, and such were the Amalechites whom God ordered to be utterly wiped out.¹

Secondly, it should be noted that this third condition differs from the two preceding, because if these are absent they make the war unjust, but if this last is absent it makes the war evil, but not, strictly speaking, unjust. For whosoever begins a war without authority or without a just cause, sins not only against charity, but also against justice, and he is not so much a soldier as a robber; but he who has authority and a just cause, and yet makes war from a love of revenge, or the desire of increasing his domain, or for any other evil motive, does not act against justice, but only against charity, and is not a robber, but a wicked soldier. From which it follows that when this third condition alone is lacking, neither soldiers nor kings are bound to any restitution, but only to repentance; but when

1—Deut. XX.

the first or the second is lacking, all are bound to repair the damage inflicted, unless they are excused by reason of invincible ignorance; for just as gross and culpable ignorance does not excuse from sin, so neither does it excuse from restitution, as appears in the last chapter on injuries and the loss inflicted. But he who acts in invincible ignorance is not bound to restitution while he so acts, but when he recognizes that the war is unjust he is bound to restitution, not for injury inflicted during the war, but he is if through that war he has acquired anything that does not belong to him; and if he has taken no money, but yet has become richer by the sale of goods, he is bound to make restitution to the extent to which he has enriched himself; for he cannot retain the property of another, even if by reason of ignorance he has acquired it without sin, but restoration should be made either to the original owner, if he is known, or to the poor.

The fourth condition is the suitable manner, which consists chiefly in this, that no innocent person be harmed, as John the Baptist explains, "Do violence to no man; neither calumniate any man; and be content with your pay."¹ By these words he forbids the injuries which soldiers usually inflict on the innocent, either by violence or by trickery, whether to person or to property. When he says, "Do violence to no man," he forbids the injury which open violence inflicts on one's person, as when soldiers kill peasants who do not readily obey. When he says, "neither calumniate any," he forbids the injury done by fraud and calumny, as when soldiers say that a certain man is a traitor or an enemy although they know that the contrary is true, and on this charge they either rob him themselves, or they kill him, or they bring him before the ruler or the prefects. And when he adds, "and be content with your pay," he forbids the injury done not to the person, but to his property, as when soldiers rob and plunder wherever they can, or even exact and extort from those from whom they should not.

But it must be observed that there are three classes of persons on whom soldiers cannot inflict injury, according to the rule of John the Baptist. The first class is that of all those who are not enemies of the State; by reason of which soldiers cannot be excused who inflict injury on citizens, or friendly peasants on whom they are

¹—Luke III., 14.

quartered, or through whose property they are passing, and they are not excused if they say that their salary has not been paid to them; for the goods of private citizens are not therefore due them, nor should they inflict punishment on a citizen or a peasant, if the king or the ruler sins by not paying the wages to the soldiers, unless by chance, for just cause, the men of some certain place have been condemned to this punishment, namely, that they must maintain the soldiers, which, however, happens more rarely than otherwise.

The second class is that of those who, even if they are in some way enemies of the State, yet are excused in the canon *Innovamus*, on truce and peace, where it is written thus: "We decree that priests, monks, those in religious houses, pilgrims, merchants, farmers either going to or returning from market, or employed in agriculture, and the beasts with which they plow or carry seed to the field, are to enjoy fitting security." Here by the name *merchants* are not meant those who live in the country of the enemy, and form a certain part of the State, but only those who are passing through or who are coming for the market-day, who are not members of the State.

The third class is that of those unfit for war, such as are children, old men, and women; for such, even if they can be seized and robbed, since they are part of the State, yet they cannot justly be killed, unless perchance they are slain unintentionally or accidentally; as when a soldier casts a javelin against a battalion of the enemy, and by chance a child, or a woman, or even a priest, is killed, the soldier does not sin, but he sins when he kills intentionally, and can, if he wishes, refrain from killing; for both natural reason teaches this, and God has also commanded this to the Jews,¹ namely, that they should spare the children and the women, and Theodosius was seriously reprovèd by St. Ambrose because, when he wished to punish the Thessalonians, he ordered all those whom he met to be killed without discrimination, as Theodoret relates.² But if Moses sometimes ordered even women and children to be killed,³ this is not therefore lawful for our soldiers; for Moses clearly knew from the Revelation of God, that God, to Whom no man can say, "Why dost Thou thus?" so willed it.

1—Deut. XX.

2—History, Bk. V., ch. 17 and 18.

3—Deut. II. and III. and elsewhere.

CHAPTER XVI. (OMITTED)

CHAPTER XVII.

JUDGMENT CONCERNING RELIGION DOES NOT COME WITHIN THE
PROVINCE OF A MAGISTRATE

The fifth question follows, namely, the scope of political magistracy in the sphere of religion. The errors in regard to this are three in number. The first is that of those who attribute too much authority to magistrates, as does Brentius in his prolegomena and Philip in a commonplace book, in the chapter on the magistracy; it is the error also of those who desire kings to be not only the guardians and defenders of religion, but also its judges and teachers. For they say in regard to them that it pertains to special members of the Church to judge disputes concerning the faith, to preside over general councils, to appoint ministers and pastors, and the like.

Concerning this error we have argued much in the controversy on the judge of disputes,¹ where we have shown that kings hold first place among Christians, inasmuch as Christians are men, that is, as citizens of an earthly state, not as citizens of the heavenly kingdom and servants of God, and as members of the Church. For in this respect Bishops hold first place, and especially the supreme Pontiff; second, priests; third, deacons, and other ministers of the Church; last, laics, among whom kings and princes are numbered.

Hence St. Chrysostom, addressing the deacons, says: "If any leader, if the consul himself, if the one who wears the royal crown, acts unworthily, restrain and punish him, for you have more authority than he."² And Gelasius in his epistle to the Emperor Athanasius says: "O my most gentle son, although you rule with earthly pomp over the human race, yet, as a devout man, you yield submission to those who have authority in Divine things, and at their

¹—Bk. III. on the Word of God, ch. 6, 7 and 8, and Bk. I. on the Supreme Pontiff, ch. 7, and Bk. I. on the Counsels, ch. 2.

²—Sermon 83 on St. Matthew.

hands you await the means of your salvation, and in receiving the heavenly Sacraments from those whose duty it is to dispense them, you acknowledge that you should submit to the ordained authority in religion rather than command. Know, therefore, that in these matters you are dependent upon their judgment, and that they cannot be made to conform to your will."

Finally, Christ committed the task of governing His Church to Peter and the Bishops, not to Tiberius and his prefects, and for three hundred years without there being any Christian rulers except a very few, who either ruled for a very short time, as Philip Cæsar, or ruled only in another province, as Lucius, King of the Britons, the Church was governed most successfully by bishops and priests alone. For further points, see the passages cited.

CHAPTER XVIII.

THE DEFENSE OF RELIGION PERTAINS TO THE POLITICAL MAGISTRACY

The second error is that of those who, going to the other extreme, teach that rulers should care for the State and the public peace, but they should not be concerned about religion, but should allow everyone to think as he pleases and to live as he pleases, provided he does not disturb the public peace. This error was formerly held by the pagans, who permitted all religions, and allowed the sects of all the philosophers, as St. Augustine says.¹ Hence St. Leo says, "But this State, ignorant of the Author of its progress, when it was ruling over almost every nation, preserved the errors of every nation and seemed to have taken to itself much religion, since it rejected no falsity."² And, as Socrates relates, the philosopher Themistius attempted to persuade the Emperor Valens that a multiplicity of sects was pleasing to God, because He is thus worshipped in many ways, and because this is more advantageous, since He is

¹—City of God, Bk. 18, ch. 51.

²—Sermon 1 on St. Peter and St. Paul.

known with difficulty.¹ And so a certain heresiarch, Rhetor by name, taught that all sects were true, as is stated by St. Augustine.²

Finally, the Germans desired and obtained this freedom in the year 1526, when the leaders and the princes of the empire were gathered together at Spire, and they are now said to be seeking the same thing in Flanders. The arguments of these are chiefly four in number. One, that faith is free. Another, that it is the gift of God. The third, that experience teaches that nothing is gained by force. The fourth, that Christians always tolerated the Jews, although they were the enemies of Christ.

But this error is most harmful, and without doubt Christian rulers are in duty bound not to allow freedom of belief to their subjects, but to afford opportunity that that faith may be preserved which the Catholic Church, and especially the supreme Pontiff, says should be held. It is proved first from Scripture, "the king, that sitteth on the throne of judgment, scattereth away all evil with his look."³ And likewise, "A wise king scattereth the wicked."⁴ Indeed, it cannot be denied that heretics are impious. And the same is said, "And now, O ye kings, understand, receive instruction, you that judge the earth. Serve ye the Lord with fear."⁵

St. Augustine says: "The king serves God in one way as a man, and in another as a king; as a man, he serves Him by living in fidelity to His law, and since he is also a king, he serves by promulgating just laws, and forbidding the opposite, and by giving them a fitting and strong sanction; just as Ezechias served by destroying the shrines and temples of the idols; just as King Josias served by himself doing like things; just as the King of the Ninevites served by compelling the whole State to appease God; just as Darius served by giving the breaking of the idols into the power of Daniel; just as Nabuchodonosor served by forbidding by a terrible law all those dwelling in his kingdom to blaspheme God."⁶ And in the same place he adds: "Who, being in his right mind, will say to kings: 'In your kingdom have no care as to that by which the Church of your

1—History, Bk. IV., ch. 27.

2—Book on Heresies, ch. 72.

3—Prov. XX., 8.

4—Ibid. 26.

5—Ps. II., 10.

6—Epis. 50.

Lord is supported or opposed,' 'In your kingdom it is not your affair who wishes to be devout or sacrilegious,' to whom it cannot be said: In your kingdom it is not your affair who wishes to be virtuous or who does not?"

Besides, in the New Testament, the Angel of Pergamus is censured because he kept about him some who held the doctrine of the Nicolaites, and the Angel of Thyatira because he allowed Jezabel to seduce the servants of God.¹ From which it is inferred that it is harmful to the Church to allow heretics to mingle with Catholics. In the Epistle to the Romans Christians are commanded to turn aside from heretics.² St. Paul also says, "I would they were even cut off."³ "Wherefore rebuke them sharply, that they may be strong in the faith."⁴ Therefore kings, who are the guardians of the Church,⁵ should not allow this intermingling.

Secondly, it is proved by the testimony of the Popes and the Emperors. Leo says: "You ought, O Emperor, to realize that your kingly power has been conferred on you not only for ruling the world, but especially for the purpose of giving aid to the Church, in order that by restraining the rashness of wicked men you may defend those things which are well established and restore true peace to those which are disturbed."⁶ Pope Anastasius II., in his letter to the Emperor Anastasius, says: "I recommend this especially to Your Serenity, that when the reasons of the Alexandrines reach your most pious ears you may force those men by your authority and wisdom, and by your Divine orders, to return to the Catholic and true faith." St. Gregory has like statements to the King of England,⁷ and to Leontia Augusta.⁸ Agatho makes the same statements in his epistle to Constantine IV.

Indeed, the pious Emperors were of the same opinion, for Theodosius; *L. cunctos populos, C. de summa Trinitate et fide Catholica*, utterly rooted out freedom of belief, which the other

1—Apoc. II.

2—XVI.

3—Gal. V., 12.

4—Tit. I., 13.

5—Isaias XLIX.

6—Epis. 75 to Leo Augustus.

7—Bk. IX., Epis. 60.

8—Bk. XI., Epis. 44.

rulers had allowed, and commanded all to believe what the Roman Pontiff teaches should be believed. St. Ambrose praises Valentinian II. in his funeral oration because he had strongly resisted the City of Rome when it asked that it might be granted its former liberty in religion, that it might worship by offering sacrifice to the gods. Similarly, Marcian strictly prohibits any one from bringing in question those doctrines which have been defined in the Councils of the Bishops, or from presuming to argue about them in public.

Constantine the Great, indeed, at the beginning of his reign allowed liberty of religion to all, as is clear from the History of Eusebius,¹ yet he afterwards ordered the temples of the idols to be closed and the Christian religion alone to flourish, as Optatus asserts against Parmenides.² His sons, Constans and Constantinus, imitated him, as St. Augustine states,³ and (according to Ruffinus) Constantine threatened with exile all those who did not assent to the definitions of the Council of Nicæa.⁴

Three are found who granted liberty of belief. The Emperor Jovinianus, who nevertheless was admonished by the Council of Antioch not to mingle Catholics with heretics, as Socrates writes.⁵ The Emperor Valens the Arian allowed liberty of religion to all heretics and pagans, as Theodoret writes.⁶ Finally, Julian the Apostate, who permitted liberty for the reason that he hoped thus to wipe out Christianity: for thus says St. Augustine, "Julian, the betrayer and enemy of Christ, allowed the freedom of perdition to heretics, and then gave to the heretics the basilicas that had been temples of demons, thinking that by this means the name of Christian might perish from the earth, if he should destroy the unity of the Church from which he had fallen away and should allow sacrilegious disputes to be freely indulged in."

It is proved, thirdly, by reason. First, the temporal and spiritual power in the Church are not two separate and distinct things, as two political kingdoms, but they are united so that they form one body; or rather they exist as the body and soul in one

1—Bk. X., ch. 5.

2—Bk. II.

3—Epis. 166.

4—Bk. X., ch. 5.

5—Bk. III., ch. 21.

6—Bk. IV., ch. 22.

man, for spiritual power is as the soul, and temporal power as the body, as St. Gregory Nazianzen teaches in his sermon to the people when struck by fear. Therefore the temporal power ought to serve the spiritual and to protect and defend it from enemies, and, as St. Gregory says, the earthly kingdom should serve the heavenly;¹ but this liberty is deadly to the Church; for the bond of the Church is the confession of one faith, "One faith,"² and for this reason dissension in faith is the dissolution of the Church. Therefore, rulers ought in no way to permit this liberty, if they wish to fulfill their duty.

Secondly, when the true religion flourished among the Jews, the kings could not allow liberty of religion, therefore much less should Christian kings permit it; for the Church should be no less rightly governed than the Synagogue. The antecedent is clear from the Scriptures,³ where by the order of the civil judge those who did not obey the priests should be put to death. And he orders the false prophets likewise to be slain,⁴ as St. Augustine states,⁵ concerning Josaphat, Josias, and the other pious kings, who destroyed the shrines and temples of the idols, and severely punished the idolaters, and compelled the people to worship the true God. But that a little before the time of Christ heresies had begun to be permitted, and especially that of the Sadducees, who denied the resurrection, is not wonderful, because the Synagogue at that time was drawing near its end, nor did it have as king at that time a real Jew to have a care of such matters, but Herod and Idumean, while the high priests could do nothing.

Thirdly, liberty of belief is dangerous even to the temporal welfare of the kingdom and to public peace, as is clear, first, from St. Gregory,⁶ when he says that the safety of the civil State depends on the peace of the Church. Then from reason: for where faith and obedience are rendered to God, there also will the same be rendered to the ruler; for faith itself teaches and exacts this. Likewise, a dissension in faith causes dissensions in minds and wills, but

1—Bk. II., Epis. 61.

2—Ephes. IV.

3—Deut. XVII.

4—Ch. 18.

5—Epis. 50 on Ezechias.

6—Bk IV., Epis. 32.

every kingdom divided against itself will fall; and experience of our own time shows this so clearly that we need not strive to prove it.

Fourthly, liberty of belief is dangerous to those very men to whom it is granted; for liberty of belief is nothing less than liberty of error, and of error in regard to the most dangerous of all matters; for faith is not true if it is not one, "One Faith," ¹ therefore liberty of falling away from this one faith is liberty of plunging headlong into the abyss of errors. Therefore, just as liberty of wandering through the mountains is not permitted to sheep, and for its own safety a ship is not freed from the rudder, nor allowed to be driven by any wind at all, so also for their own safety freedom of belief is not given to the people, after they have given their adherence to the one true faith.

¹—Ephes. IV.